

Copyright
by
Gabrielle Renae Esparza
2020

**The Thesis Committee for Gabrielle Renae Esparza
Certifies that this is the approved version of the following Thesis:**

**The Politics of Human Rights Prosecutions: Civil Military Relations
during the Alfonsín Presidency, 1983-1989**

**APPROVED BY
SUPERVISING COMMITTEE:**

Jonathan Brown, Supervisor

Zoltan Barany

**The Politics of Human Rights Prosecutions: Civil Military Relations
during the Alfonsín Presidency, 1983-1989**

by

Gabrielle Renae Esparza

Thesis

Presented to the Faculty of the Graduate School of

The University of Texas at Austin

in Partial Fulfillment

of the Requirements

for the Degree of

Master of Arts

The University of Texas at Austin

August 2020

Abstract

The Politics of Human Rights Prosecutions: Civil Military Relations during the Alfonsín Presidency, 1983-1989

Gabrielle Renae Esparza, M.A.

The University of Texas at Austin, 2020

Supervisor: Jonathan Brown

This project examines the evolution of President Raúl Alfonsín's human rights policies from his candidacy to his presidency. Alfonsín's election in 1983 followed Argentina's most repressive dictatorship and marked the country's return to democracy. This democratic transition occurred at the beginning of a wave of similar shifts from military to civilian rule throughout Latin America. As a result, the Argentine experience heavily influenced the transitional justice scholarship that emerged in the 1990s. Argentina pioneered new methods of addressing state sponsored human rights violations during Alfonsín's administration. *Never Again*, the first published truth commission report became an international model, and more than thirty countries have followed Argentina's example since 1983. Alfonsín also ordered criminal prosecution of military generals for human rights violations. The trials respected legal codes and due process in order to demonstrate the law's ability to address wrongdoing. Such efforts helped reestablish trust in judicial processes. These mechanisms applied early in Alfonsín's term revolutionized the field of transitional justice, but the later years of his presidency limited this initial momentum toward accountability through the authorization of Full Stop and Due Obedience laws. Both measures, dictated under military pressure, narrowed the scope of the trials in order to ensure democratic stability. President Alfonsín had dedicated himself to overcoming Argentina's legacy of authoritarianism and emphasized democratization as the main goal of the country's transition. No president had completed his or her mandate against the wishes of the armed forces since

1928. In light of these political realities, Alfonsín made prudent decisions to achieve his legislative goals without undermining democratic processes and institutions. This approach marked a clear break with the past and sought to model democratic governance. Alfonsín's methods also demonstrated that democracy, even when producing complicated and uneven policy victories, had the power to address social problems.

Table of Contents

Chapter One: Introduction	1
Arguments, Definition, and Literature	4
Chapter Two: The Human Rights Agenda.....	13
The Call for Elections	17
Human Rights in Focus.....	18
Alfonsín Wins the Presidency.....	24
Beyond Campaign Promises	26
Conclusion	32
Chapter Three: The Trial of the Juntas	34
The Judiciary under Alfonsín.....	37
The Trial of the Juntas	40
The Final Verdict	45
Judicial Procedures in Argentina	50
Conclusion	51
Chapter Four: Operation Dignity and the Demand for Amnesty Measures	53
Full Stop.....	56
Insurrection in Córdoba	60
Operation Dignity	63
Due Obedience.....	69
Conclusion	73

Chapter Five: Conclusion	75
Bibliography	83

Chapter One: Introduction

By late 1982, Argentina's military generals looked to exit politics. They vowed to transfer power to an elected civilian president by January 1984. A series of political blunders by the generals had motivated this promise, but the military hoped to negotiate a favorable transition. As the armed forces tried to place conditions on the electoral process, voices of protest grew stronger. More than 100,000 people marched through the streets of Buenos Aires on December 16, 1982. Leaders of the country's major political parties and human rights organizations had called on Argentines to join them in denouncing the military dictatorship and demanding free and fair elections.¹ The demonstration, known as the People's March for Democracy and National Reconstruction, followed several weeks of strikes and protests. Rising inflation, massive human rights abuses, and humiliating defeat in a war with Great Britain motivated the unrest in provinces throughout the country.²

In nearly seven years of military rule, Argentina had never seen such a large anti-government rally. Protestors shouted their contempt for the military generals: "Up against the wall, all the brass who sold the country."³ When they reached Plaza de Mayo, a small minority of demonstrators threw rocks at police and nearby buildings. Organizers quickly lost control of the rally, which they intended as a peaceful demonstration. Law enforcement responded by firing tear gas and blank charges into the crowd. In the ensuing chaos, protestors attempted to flee the

¹ "More than 100,000 Turn Up," Buenos Aires *DYN* (December 16, 1982), Trans. Foreign Broadcast Information Service, FBIS Daily Report, Latin America, FBIS-LAM-82-243, December 17, 1982, B1.

² Germán Ferrari, 1983: *El año de la democracia* (Buenos Aires: Grupo Editorial Planeta, 2013), 13.

³ Jackson Diehl, "Protest March in Argentina Turns Violent," *The Washington Post*, December 17, 1982.

plaza but found themselves trapped. Mounted officers had blocked the side streets and beat back the crowds.⁴ The event ended in one death, eighty injured, and one hundred and twenty arrests.⁵

Government forces managed to suppress the demonstrators by force, but the march signaled the military's waning power. The armed forces had governed Argentina since March 24, 1976 when the military had overthrown President Isabel Perón and declared a war on subversion. In this so-called Dirty War, the armed forces implemented a system of kidnapping, torture, and murder. An estimated 22,000 people disappeared during the first two years of the junta, and human rights groups place the total figure of disappeared at 30,000.⁶ High levels of repression limited public dissent in the early years of the dictatorship, but the protests of 1982 indicated a renewed willingness to challenge the military junta.

During the 1980s, the army's power gradually weakened as the economy plunged into a deep recession. The military had promised to transform the economy by reducing state intervention and restoring investor confidence.⁷ The junta initiated a five-year stabilization plan, which aimed to force a gradual devaluation of the peso, reduce trade barriers, and promote foreign investment. In practice, these measures caused deindustrialization and a sharp decline in salaries. Workers' real income had dropped to less than half of the 1974 levels by the end of

⁴ Liliana Garulli, *Los desafíos de la transición democrática, 1983-1989* (Buenos Aires: Editorial Universitaria de Buenos Aires, 2011), 20.

⁵ "Breaking Away; Day of Defiance in Argentina," *The New York Times*, December 19, 1982.

⁶ Enrique Arancibia Clavel to Chilean National Intelligence Directorate, "Argentine Military Intelligence Estimates 22,000 People Dead or Disappeared," Buenos Aires, July 1978, *On 30th Anniversary of Argentine Coup New Declassified Details on Repression and U.S. Support for Military Dictatorship*, ed. Carlos Osorio, Marcos Novaro, and John Dinges (Washington, D.C.: The National Security Archive, 2006), Digital National Security Archive accession number A0000514.

⁷ David Pion-Berlin, *Through Corridors of Power: Institutions and Civil-Military Relations in Argentina* (University Park, PA: Pennsylvania State University Press, 1997), 54.

September 1976.⁸ For the remainder of the dictatorship, real wages experienced almost no growth.⁹ Inflation was approximately 200 percent while unemployment hovered around 10 to 12 percent by 1982.¹⁰ Foreign debt totaled more than forty-five billion dollars, and economic issues began to dwarf nearly all other concerns.¹¹

With the economy in decline and public discontent becoming more evident, the military junta embarked on another disastrous plan. The armed forces announced the invasion of the Malvinas Islands, thus starting a war with Great Britain on April 2, 1982. Although Argentina had not controlled the islands since the British invasion in 1830, the military junta framed the conflict as a “recovery” of Argentine lands and hoped to galvanize society behind a nationalistic cause.¹² The mission resulted in a swift defeat in June 1982, and the Argentine forces suffered in excess of 700 casualties and 1,000 wounded.

The Malvinas War, ending in disgrace, marked the close of the military’s time in power. The recklessness of the conflict sparked public outrage. “The armed forces have even failed in the one thing that they are specifically trained to do: fight a war,” criticized a local journalist.¹³ Rather than improve the military’s image, the Malvinas War added to mounting evidence of the armed forces’ inability to govern. The generals’ incompetent leadership prompted Argentines to call on the junta to resign and allow elections.

⁸ Carlos Santiago Nino, *Radical Evil on Trial*, (New Haven, CT: Yale University Press, 1996), 54.

⁹ Pion-Berlin, *Through Corridors of Power: Institutions and Civil-Military Relations in Argentina*, 54.

¹⁰ “Argentina: A Troubled Transition [Sanitized],” June 3, 1983, *Argentina Declassification Project* (Washington, D.C.: The Department of State).

¹¹ Nino, *Radical Evil on Trial*, 54.

¹² Mario Rapaport, *Historia económica, política y social de la Argentina (1880-2003)* (Buenos Aires: Emecé, 2012), 616.

¹³ Jimmy Burns, “Argentine Junta Battered by Protests in Hot Political Summer,” *The Christian Science Monitor*, December 17, 1982.

Defeat in the Malvinas in addition to years of economic mismanagement discredited the military government and provided the necessary conditions for democratization. Responding to public pressure to step down, the armed forces had promised a gradual reopening of political activities in 1983. The military hoped to negotiate favorable terms of the transition and proposed several conditions. Among these proposals was the “non-revisability” of the Dirty War.¹⁴ This provision would prevent future investigations into the methods employed during the military’s fight against subversion. The political parties rejected these conditions and refused to openly bargain with a failing regime.

Arguments, Definition, and Literature

The armed forces collapsed under the weight of its own mistakes. The military’s quick downfall forced it to negotiate the transition from a vulnerable position. The impact of failed economic, military, and social policies reduced the generals’ ability to secure a favorable agreement with incoming civilian leaders. The regime’s weakness meant that it could not place limits on the process. The People’s March for Democracy and National Reconstruction had already shown that civilian politicians could harness popular support against the military. The power of the people would allow political parties to exercise greater control in defining the terms of the democratic transition.¹⁵

Raúl Alfonsín, presidential candidate for the Radical Civic Union Party, exploited the military’s weakened position. His campaign denounced the crimes of the outgoing regime and promised to prosecute the former leaders. However, restoration of the democratic system was his

¹⁴ Nino, *Radical Evil on Trial*, 61.

¹⁵ Bonnie N. Field, “Transition Modes and Post-Transition Inter-Party Politics: Evidence from Spain (1977-82) and Argentina (1983-89),” *Democratization* 13, no. 2 (2006): 208.

first priority. If elected, Alfonsín pledged to uphold the nation's 130-year-old Constitution and respect the authority of the legislative and judicial branches. His antimilitary platform paired with his commitment to constitutional processes won him the presidency on October 30, 1983.

President Raúl Alfonsín's administration would guide the return to democracy and set important precedents in the developing field of transitional justice. The term transitional justice refers to judicial and non-judicial measures taken to address human rights violations during the period following a repressive government. These transitional justice strategies include but are not limited to criminal judgement, truth commissions, and amnesty laws. Studies of transitional justice generally focus on the methods employed during shifts from an authoritarian to a democratic system.¹⁶ In such periods, the newly formed government has the mandate to balance order while promoting significant political reforms.

Transitional justice measures face inherent challenges because governments undertake them during times of institutional change. In 1983, the fragile state of democracy throughout Latin America further complicated the situation facing President Alfonsín in Argentina. Neighboring countries including Brazil, Chile, Paraguay, and Uruguay still lived under military dictatorships in 1983. The region's authoritarian outlook provided few allies for a democratic leader. This situation stoked fears in the Alfonsín administration that the Argentine armed forces might look to neighboring authoritarian regimes for support.¹⁷

The proliferation of military regimes throughout Latin America presented a challenge to Alfonsín's government, but he hoped Argentina would serve as a democratic model for the

¹⁶ Colleen Murphy, *The Conceptual Foundations of Transitional Justice* (Cambridge: Cambridge University Press, 2017), 1.

¹⁷ Dominique Fournier, "The Alfonsín Administration and the Promotion of Democratic Values in the Southern Cone and the Andes," *Journal of Latin American Studies* 31, no. 1 (1999): 41.

region. “We will be an example that rebirth is possible for our compatriots, our Latin American brothers and sisters, and the international community,” proclaimed Alfonsín. “We will seek liberty and democracy for Argentines . . . and we will fight for liberty and democracy in the world.”¹⁸ If President Alfonsín succeeded in establishing a healthy democracy while also employing transitional justice strategies, he imagined other countries would follow his example.

This thesis traces the evolution of Alfonsín’s human rights policies from his candidacy to his presidency. Focused on the period from 1983 to 1987, it outlines the influence of political and military actors on the president’s agenda. The research engages with literature on transitional justice to highlight how human rights prosecutions both promote and complicate efforts to democratize. Successful trials, which respect legal codes and due process, demonstrate the law’s ability to address wrongdoing. Such efforts help reestablish trust in judicial processes. This is important in societies where violations of the law became the norm due to state-sanctioned human rights abuses.¹⁹ However, the military’s resistance to prosecution poses a threat to the survival of emerging and re-emerging democracies.

Alfonsín recognized that the country could not move forward without punishing the perpetrators of gross violations. He also knew that a miscalculation could jeopardize democracy, which he saw as the most important prerequisite for social progress. “Democracy feeds, educates, and cures,” Alfonsín declared in his inaugural address.²⁰ He offered democracy as a solution to Argentina’s many problems, and he promised to ensure its permanence. Such faith in

¹⁸ Raúl Alfonsín, “Mensaje Presidencial del Dr. Raúl Alfonsín a la Honorable Asamblea Legislativa, 10 de diciembre de 1983,” in *Mensajes Presidenciales del Dr. Raúl Alfonsín a la Honorable Asamblea Legislativa, Período 1983-1987*, 67 (Buenos Aires: Imprenta del Congreso de la Nación, 1987).

¹⁹ Murphy, *The Conceptual Foundations of Transitional Justice*, 9.

²⁰ Alfonsín, “Mensaje Presidencial del Dr. Raúl Alfonsín a la Honorable Asamblea Legislativa, 10 de diciembre de 1983,” in *Mensajes Presidenciales del Dr. Raúl Alfonsín a la Honorable Asamblea Legislativa, Período 1983-1987*, 14.

the democratic system meant the president would seek compromise in his human rights policies in order to ensure the government's stability.

Although Alfonsín prioritized preserving democracy over pursuing extensive prosecutions, this decision did not intend to betray his commitment to human rights. He understood that massive abuses generally occur outside of a democratic system. Therefore, the president feared he might risk future human rights violations if widespread trials threatened to overthrow his government. Considering these challenges, Alfonsín aimed to prosecute the worst abuses and strengthen democracy by acting in accordance with the division of powers enshrined in the 1853 Constitution.

Argentina's return to democracy occurred at the beginning of a wave of similar shifts from military to civilian rule throughout Latin America. As a result, the Argentine experience heavily influenced the transitional justice scholarship that emerged in the 1990s. Numerous initial studies emphasized the difficulties of retroactively punishing those who had committed human rights abuses.²¹

Early historiography on Argentina maintained that Alfonsín's human rights policy had failed. For example, Bruce Ackerman (1992) concluded that trials for past violations of human rights risked undermining the authority of incoming governments. He maintained that Alfonsín had wasted his moral capital on ineffective and disorganized trials, which achieved few convictions.²² Similarly, Samuel Huntington (1993) contended that such prosecutions of former abusive dictators should generally be avoided, for the political costs outweigh any moral gains

²¹ Lawrence Weschler, *A Miracle, A Universe: Settling Accounts with Torturers* (New York: Pantheon Books). See also Bruce Ackerman, *The Future of Liberal Revolution* (New Haven: Yale University Press, 1992), and Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century*, (Norman, OK: University of Oklahoma Press, 1993).

²² Ackerman, *The Future of Liberal Revolution*, 72.

for the incoming government.²³ Both analyses suggest that Alfonsín lacked the organizational capacity to undertake human rights prosecutions. Consequently, the president's policy was susceptible to outside pressure, particularly that of the military. Laura Tedesco (1996) also suggested that Alfonsín reacted rather than led.²⁴ Her argument implies that Alfonsín waited to act until events reached a crisis point instead of taking preemptive measures to avoid the situation. Similar conclusions about the inherent difficulties of punishing the perpetrators of human rights violations during periods of transition from authoritarian to democratic governments would dominate scholarship throughout the 1990s. Retributive policies against the military risked appearing vengeful and provoking backlash from the armed forces.

As the field developed, literature centered on tensions between legal norms and political realities. Incoming Latin American governments faced issues of chronic instability, widespread abuses, and compromised judiciaries. These factors often led politicians to pursue few, if any, prosecutions for past violations. Scholars debated whether political conditions could justify limited judicial responses. In the case of Argentina, military coups had followed one another throughout more than half a century. This trend marked increasingly shorter periods of institutional normality and progressively longer dictatorships.²⁵ Because of this history of instability, some Argentines feared that the armed forces would stage another coup if Alfonsín pursued extensive human rights prosecutions.

²³ Huntington, *The Third Wave: Democratization in the Late Twentieth Century*, 224.

²⁴ Laura Tedesco, "The Argentine Armed Forces Under President Alfonsín," *European Review of Latin American and Caribbean Studies*, no. 61 (December 1996): 34, <https://www.jstor.org/stable/25675711>; See also, Martha Minow, *Between Vengeance and Forgiveness: Genocide and Mass Violence* (Boston: Beacon Press, 1998), 44.

²⁵ Fernando Sabsay, *Frondizi, Illia, Alfonsín: Estudio preliminar de Federico Storani* (Buenos Aires: Ciudad Argentina, 2000), 371.

During the early 2000s, many characterized transitional justice as a compromise that sought to balance accountability and stability. Ruti Teitel (2000) acknowledged that legal responses in such periods are partial and contextual. Because the incoming government must pursue punishment in a phase of political change, penalties carry risky consequences for long-term stability.²⁶ Thomas C. Wright (2007) echoed this argument and claimed that successor regimes are rarely capable of seeking more than limited criminal sanctions.²⁷

Scholarship generally contended that the contradictions between punishment of past wrongdoings and future stability in the Argentine transition were too great to overcome. Thus, Alfonsín resorted to granting amnesties or, as Kathryn Sikkink (2011) describes, a balanced approach to trials. Consequently, the president of Argentina proposed a complicated set of policies designed to restrict prosecutions to a relatively small group. However, Sikkink believes the real-world application of these ideas escaped his control. When President Alfonsín faced pressure from political and military actors, he enforced limits on the scope of trials and issued pardons.²⁸ Teitel (2014) claims this partial exercise of punishment and justice is characteristic of transitions from dictatorships to democratic regimes. These governmental shifts seek to balance the judicial process with the need to establish institutional normality.²⁹

Colleen Murphy's study, *The Conceptual Foundations of Transitional Justice* (2017), departs from literature that understands transitional justice as a process of compromise. She

²⁶ Ruti G. Teitel, *Transitional Justice* (New York: Oxford University Press, 2000), 30.

²⁷ Thomas C. Wright, *State Terrorism in Latin America: Chile, Argentina, and International Human Rights* (United Kingdom: Rowman & Littlefield Publishers, 2007), 33.

²⁸ Kathryn Sikkink, *The Justice Cascade: How Human Rights Prosecutions are Changing World Politics* (New York: W.W. Norton & Company, 2011), 70; See also, Horacio Verbitsky, "Entre olvido y memoria," in *Los juicios por crímenes de lesa humanidad en Argentina*, ed. Gabriele Andreozzi (Buenos Aires: Atuel, 2011), 35.

²⁹ Ruti Teitel, *Globalizing Transitional Justice: Comparative Essays* (New York: Oxford University Press, 2014), 99.

regards it as “a distinctive form” that differs from retributive, corrective, or distributive justice.³⁰ She maintains that scholars cannot reduce a theory of transitional justice to other types, which tend to focus on the acts of individuals rather than society as a whole. Murphy claims that the fundamental problem of transitional justice, unlike other forms, does not center around giving perpetrators what they deserve. Instead, the key issue is to pursue and achieve societal change in a fair manner.³¹

Murphy’s theory of transitional justice does not engage specific case studies. However, it can serve as a model both to evaluate the effectiveness of Alfonsín’s human rights policy and to address the unique circumstances of his government. As president, Alfonsín sought to reestablish a lasting democracy and address the wrongdoings of the predecessor regime. These goals would come into conflict during his administration because the military resisted human rights trials. Before Alfonsín’s presidency, no democratically elected president in Argentina had completed his or her term against the wishes of the armed forces. Yet, Alfonsín withstood military insurrection and still held trials for past violations. Applying Murphy’s theory to the Argentine case, President Alfonsín’s human rights policy proved a successful transitional justice model despite the limited scope of prosecutions.

Based on domestic criminal law, Alfonsín’s human rights strategy respected due process and legal precedents. The use of preexisting legal codes prevented accusations that the new government sought to enforce laws that were not in effect at the time of alleged criminal wrongdoing. This approach marked a clear break with the past and sought to model democratic

³⁰ Retributive justice holds that those guilty of a crime deserve to endure a proportionate punishment. Corrective justice links the victim and injurer and maintains that the wrongdoer has a duty to repair the wrong or injury he or she caused. Distributive justice refers to the just allocation of resources in a society. Murphy, *The Conceptual Foundations of Transitional Justice*, 6.

³¹ Ibid, 33-34

governance. Alfonsín thought that “democracy is strengthened by walking.”³² Thus, he believed that if his government respected democratic processes and constitutional norms, the country would reinvigorate these methods and achieve democratic stability.

Throughout Argentina’s history, executives ruled via exaggerated presidential powers. The authority of the legislative and judicial branches to place constraints on the president remained largely an unfulfilled promise. Over time, this presidential system eroded democratic norms.³³ Thus, Alfonsín’s promise to adhere to the Constitution and respect the separation of powers marked a clear departure from historical practices. These strong constitutional principles ultimately hindered the success of his human rights program and led to dangerous clashes with the armed forces. Historically, almost no governments—elected or not—had adhered to the system of checks and balances enshrined in the 1853 Constitution.

Studies have traditionally evaluated Alfonsín’s success in navigating the Argentine transition in terms of his efforts to balance prosecution and stability. However, Murphy’s model offers an analytical framework that prioritizes the transformational nature of such periods. Applying this theory to the Argentine case, the metric would be for scholars to judge Alfonsín’s presidency based on whether it achieved social change and whether he pursued this transformation through just measures.

Argentina pioneered new methods of addressing state sponsored human rights violations during Alfonsín’s administration. In the 1980s, many feared that human rights trials risked the long-term survival of democracy. Argentina disproved this theory by maintaining the most

³² Raúl Alfonsín, *La cuestión argentina* (Buenos Aires: Torres Agüero Editor, 1984), 16.

³³ Rebecca Bill Chavez, *The Rule of Law in Nascent Democracies: Judicial Politics in Argentina* (Stanford: Stanford University Press, 2004), 3.

domestic human rights trials during a period of transition from authoritarian to democratic government of any country while also enjoying its longest uninterrupted period of democracy.³⁴ Moreover, *Never Again*, the first published truth commission report became an international model. More than thirty countries have followed Argentina's example since 1983, and Argentine personnel have worked as advisers to several commissions.³⁵ Notably, the Argentine truth commission served as a model for the 1993 Commission on the Truth for El Salvador, the first sponsored and staffed by the United Nations. The U.N.'s support of El Salvador's commission was a clear recognition of the importance of this type of transitional justice mechanism by the international community.³⁶

The mechanisms applied early in Alfonsín's term revolutionized the field of transitional justice, but the later years of his presidency limited this progress. As president, Alfonsín dedicated himself to overcoming Argentina's legacy of authoritarianism and emphasized democratization as the main goal of the country's transition. Argentina had experienced six military coups between 1930 and 1976, and no elected president had completed his or her mandate since 1928.³⁷ In light of these political realities, Alfonsín made prudent decisions to achieve his legislative goals without undermining democratic processes and institutions. This approach marked a clear break with the past and sought to model democratic governance. Alfonsín's methods also demonstrated that democracy, even when producing complicated and uneven policy victories, had the power to address social problems.

³⁴ Kathryn Sikkink and Carrie Booth Walling, "The Impact of Human Rights Trials in Latin America," *Journal of Peace Research* 44, no. 4 (2007): 434.

³⁵ Wright, *State Terrorism in Latin America: Chile, Argentina, and International Human Rights*, 229.

³⁶ Priscilla B. Hayner, "Fifteen Truth Commissions—1974 to 1994: A Comparative Study," *Human Rights Quarterly* 16, no. 4 (1994): 599.

³⁷ Marguerite Feitlowitz, *A Lexicon of Terror: Argentina and the Legacies of Torture* (New York: Oxford University Press, 1998), 5.

Chapter Two: The Human Rights Agenda

On October 27, 1983, thousands of Argentines gathered for the Radical Civic Union Party's final campaign event in Buenos Aires.³⁸ Raúl Alfonsín, the Radical Party's presidential nominee, had spent the last three months traveling the country and outlining a platform committed to social justice. In just three days, the electoral campaign would end, and Argentines would head to the polls for the first time in a decade. This election promised the return of democracy after more than seven years of military rule.

The armed forces had overthrown President Isabel Perón and established a military government on March 24, 1976. Upon assuming power, the junta immediately restricted civil liberties, dissolved Congress, and dismissed Supreme Court justices. Military control ushered in a period of unprecedented violence. Task forces, dressed in civilian clothes, abducted suspected "subversives" and transferred them to clandestine detention centers throughout the country. In these detention centers, military officers subjected victims to interrogation, torture, and sexual abuse. The vast majority of victims died at the hands of their torturers.³⁹

During the dictatorship, the military junta justified these tactics in the context of a war against subversives. The armed forces had seized control in a period of mass unemployment and high inflation, which had fostered the development of urban guerrilla movements. The junta promised to restore order through the eradication of subversion and the causes that favored its

³⁸ Figures vary considerably according to the source: 420,000 (La Época); 500,000 (La Voz); 600,000 (Tiempo Argentino, Ámbito Financiero); 800,000 (El Cronista Comercial, Buenos Aires Herald y la agencia DyN); 969,000 (La Prensa); 1,500,000 (Radical Party Organization). The opposition party newspapers cite the lowest number of attendees. However, all sources note the impressive attendance.

³⁹ Carlos Santiago Nino, *Radical Evil on Trial*, (New Haven, CT: Yale University Press, 1996), 54-55.

existence.⁴⁰ Once in power, the armed forces would define dissidents in broad terms. “A terrorist is not just someone with a gun or bomb but also someone who spreads ideas that are contrary to Western and Christian civilization,” claimed General Jorge Rafael Videla, the first president named by the dictatorship.⁴¹ This definition of subversion led to widespread repression, and the regime conducted an average of 30 kidnappings per day by September 1976.⁴²

The military junta’s violent tactics stifled dissent for many years, but the generals began to lose their grip on power after the Malvinas War. In April 1982, army leaders had initiated a war with Great Britain and suffered a humiliating loss only two months later. The Malvinas War highlighted the generals’ leadership failures and their inadequate coordination across branches.⁴³ Military defeat, following years of economic mismanagement and massive human rights violations, led to widespread unrest and calls for democratization. Leaders of various political parties formed a coalition known as the *Multipartidaria* and demanded the legalization of political parties and elections.⁴⁴ Facing mounting problems and increased public pressure, the military promised a gradual political reopening over the course of 1983.

At the outset of the 1983 campaign, domestic and international press had viewed Raúl Alfonsín’s odds of winning as unlikely at best. The rival Peronist Party had never lost a free and

⁴⁰ María Laura San Martino de Dromi, *Argentina contemporánea de Perón a Menem* (Buenos Aires: Fundación Centro de Estudios Políticos y Administrativos, 1996), 765.

⁴¹ Secretaría de Derechos Humanos de Argentina, Comisión Nacional sobre la Desaparición de Personas, *Nunca más: informe de la Comisión Nacional sobre la Desaparición de Personas* (Buenos Aires: Eudeba, 2009), 345.

⁴² Marguerite Feitlowitz, *A Lexicon of Terror: Argentina and the Legacies of Torture* (New York: Oxford University Press, 2011), 28.

⁴³ Zoltan Barany, *The Soldier and the Changing State: Building Democratic Armies in Africa, Asia, Europe, and the Americas*, (Princeton, NJ: Princeton University Press, 2012), 148.

⁴⁴ Nino, *Radical Evil on Trial*, 61.

fair election, so most Argentines assumed its candidate, Ítalo Luder, enjoyed certain victory.⁴⁵ However, Alfonsín's lower national profile would prove an advantage against the Peronist candidate. Luder had strong ties to the last constitutional government under President Isabel Perón, and the military coup of 1976 had severely discredited her administration.

Campaigning on his image as an activist and reform-minded democrat, Alfonsín drew on widespread discontent against the dictatorship. He adopted strong antimilitary rhetoric, promised to restore constitutional norms, and pledged to prosecute those responsible for human rights abuses. In his final appeal to voters, Alfonsín declared, "The military dictatorship is over. . . . Fear and repression are over. . . . Now it is we, the people, who are going to say how the country will be built."⁴⁶ The ballot offered Argentines a chance to decide their president at a time when the winner would guide the reconstruction of democratic institutions and practices.

Tracing the 1983 presidential election, this chapter explores how Alfonsín's campaign rhetoric garnered overwhelming support but subsequently hindered his ability to undertake key aspects of his human rights platform. Alfonsín had promised strict adherence to the constitution while simultaneously vowing to carry out comprehensive reforms. These goals would come into conflict throughout his presidency because the human rights trials that he proposed were unprecedented in Argentina. Thus, his commitment to constitutional norms and rejection of Argentina's hyper-presidential system limited his power to navigate trials of this scale effectively.

⁴⁵ "Luder Issues Statement," *Buenos Aires TELAM* (September 6, 1983), Trans. Foreign Broadcast Information Service, FBIS Daily Report, Latin America, FBIS-LAM-83-174, September 7, 1983, B3.

⁴⁶ Liliana Garulli, *Los desafíos de la transición democrática, 1983-1989* (Buenos Aires: Editorial Universitaria de Buenos Aires, 2011), 21.

Closing his final speech as a presidential candidate, Alfonsín asked the crowd to join him in a “secular prayer.” He then led them in reciting the Constitution’s preamble. In performing this act, Alfonsín called on Argentines to fight to “constitute national union, ensure justice, preserve domestic peace, provide for the common defense, promote the general welfare, and secure the blessings of liberty for ourselves, our posterity, and all men in the world who wish to dwell on Argentine soil.”⁴⁷ He vowed that if elected, these principles would guide his administration.

Alfonsín’s pledge to reinvigorate the Constitution paired with antimilitary rhetoric would win him the presidency. However, he felt “what prevailed was not joy but a sense of responsibility.”⁴⁸ Once elected, Alfonsín was a prisoner of his own rhetoric. His oratory skills had delivered a swift and decisive electoral victory but bound him to deliver both democratic stability and successful prosecutions.

As a candidate, Alfonsín had established his legitimacy by highlighting his activism and principled stance throughout the military dictatorship. His background as a human rights activist combined with his promise to uphold the constitution won him a stunning electoral victory. However, as a president, he could not afford to be dogmatic. Leadership during the transition to democracy would require compromise, but Alfonsín’s focus on strict adherence to the constitution would prove a liability during his presidency. Rather than draw on his electoral mandate and expansive presidential powers to enact his platform, Alfonsín frequently sought compromise when his plans met resistance. This strategy modeled democratic practices.

⁴⁷ Raúl Alfonsín, “Cierre de campaña de Raúl Alfonsín en la 9 de Julio, 1983 (parte II),” YouTube video, 11:32, June 22, 2016, <https://youtu.be/XYhlo773mnM>.

⁴⁸ Raúl Alfonsín and Pablo Giussani, *¿Por qué, doctor Alfonsín?* (Buenos Aires: Editorial Sudamericana, 1987), 15.

However, his conciliatory approach to leadership hindered his ability to take decisive action on contentious issues, and Alfonsín risked losing significant political capital if he did not maintain his commitment to human rights.

The Call for Elections

Defeat in the Falklands War had signaled the beginning of the dictatorship's end. Lasting only eight weeks, the war had further demonstrated the regime's inability to govern and intensified calls for an end to the military government. General Leopoldo Galtieri renounced the presidency under pressure from the armed forces, and General Reynaldo Bignone assumed leadership on July 1, 1982. Tasked with negotiating the regime's exit from power, Bignone assured a gradual return to democracy, scheduled voting for October 30, 1983, and set the transfer of power for January 30, 1984.⁴⁹

With the promise of elections secured, the two major political parties, the Radical Civic Union and the Peronist Party, organized themselves and appointed candidates. The Radicals showed fewer signs of internal division and selected a nominee with little infighting. Alfonsín earned sweeping victories against his opponent, Fernando de la Rúa, in Buenos Aires, Córdoba, Santa Fe, and Tucumán.⁵⁰ De la Rúa, who represented a more conservative line of the Radical Civic Union, withdrew his candidacy in hopes that the Party would "gain valuable time" in the

⁴⁹ Paula Canelo, "La descomposición del poder militar en la Argentina: Las Fuerzas Armadas durante las presidencias de Galtieri, Bignone, y Alfonsín (1981-1987)," in *Los años de Alfonsín: ¿El poder de la democracia o la democracia del poder?*, ed. Alfredo Pucciarelli (Buenos Aires: Siglo XXI Editores Argentina, 2006), 75.

⁵⁰ "Alfonsín Wins Radical Primary," *Buenos Aires Herald* (July 12, 1983), Trans. Foreign Broadcast Information Service, FBIS Daily Report, Latin America, FBIS-LAM-83-135, July 13, 1983, B2.

national electoral campaign. Following his opponent's exit, Alfonsín officially accepted his party's candidacy on July 28, 1983.⁵¹

Alfonsín had centered his campaign for the Radical Party's nomination around his background as a human rights advocate. During the dictatorship, he had represented relatives of the disappeared and helped establish the Permanent Assembly on Human Rights. Founded in 1975, the organization played an important role in defending civil and political rights.⁵² Alfonsín's history of activism strongly influenced his policy proposals and granted him greater legitimacy on human rights issues.

In contrast to the Radical Civic Union, the Peronist Party appeared less united. Its primary included five presidential candidates. As a result of the larger field within the Peronist Party, internal elections took longer to nominate a presidential candidate. The Peronist's two frontrunners, Ítalo Luder and Antonio Cafiero, did not become clear until late June, and neither candidate secured a clear lead until late July.⁵³ Following internal negotiations, Luder, who had served as president of the senate from 1974 to 1976, eventually secured the Peronist nomination on August 23, 1983.⁵⁴

Human Rights in Focus

The divisions within the Peronist Party had made its frontrunner unclear and had given Alfonsín an advantage during the runup to the presidential campaign. As the first major

⁵¹ "Raul Alfonsín Named UCR Presidential Candidate," *Buenos Aires Herald* (July 19, 1983), Trans. Foreign Broadcast Information Service, FBIS Daily Report, Latin America, FBIS-LAM-83-141, July 21, 1983, B3.

⁵² David Pion-Berlin, *Through Corridors of Power: Institutions and Civil-Military Relations in Argentina* (University Park, PA: Pennsylvania State University Press, 1997), 76.

⁵³ Gerardo L. Munck, *Authoritarianism and Democratization: Soldiers and Workers in Argentina, 1976-1983* (University Park, PA: The Pennsylvania State University Press, 1998), 269.

⁵⁴ Germán Ferrari, 1983: *El año de la democracia* (Buenos Aires: Grupo Editorial Planeta, 2013), 156.

candidate to secure his party's leadership and subsequent nomination, Alfonsín set the terms of public debate. His campaign promised to reestablish the rule of law in Argentina and appealed directly to the rights and guarantees granted by the 1853 Constitution. He frequently closed his speeches by reading the preamble to the Constitution and claimed that it contained "everything necessary to begin" democratization.⁵⁵

Throughout the campaign, Alfonsín referenced the Constitution as a starting point and guiding document for the next period of civilian rule. He continually stressed that restoring democracy was a process, and it would not occur through elections alone. "The vote is not a magic wand that touches us and places us in a state of democratic grace," he reminded Argentines.⁵⁶ Instead, Alfonsín insisted that democracy would require much more than voting. He held that the success of democratization depended on the incoming civilian government's willingness to exercise power according to constitutional standards.

By governing within legal constraints and respecting the separation of powers, Alfonsín maintained that the country's institutions would improve. He claimed that Argentina's history of military intervention and authoritarianism had slowly eroded its democratic potential.⁵⁷ Because of Argentina's historically unstable democracy, he believed the incoming government should not expect efficient political institutions but rather work to strengthen them.⁵⁸ Thus, Alfonsín's appeals to the Constitution sought to reassure voters that he would honor democratic norms and reinvigorate political institutions if elected president.

⁵⁵ Alfonsín, *La cuestión argentina*, 205.

⁵⁶ *Ibid*, 12.

⁵⁷ Raúl Alfonsín, *Ahora: Mi propuesta política* (Buenos Aires: Editorial Plantea, 1983), 11.

⁵⁸ *Ibid*, 17.

Although Alfonsín primarily referenced the Constitution to evoke democratic values, he also used the document to further his human rights platform. He emphasized that Article 18 of the Constitution guaranteed the right to due process and outlawed torture and capital punishment.⁵⁹ In highlighting Article 18, Alfonsín signaled his condemnation of the military junta and its repressive practices. Furthermore, he based his judgement on Argentine law, which preceded the dictatorship, rather than on morality alone.

Because Alfonsín increasingly centered public debate around human rights violations, he became seen as an “antimilitary” candidate. This reputation stemmed from his rhetoric in addition to his history of activism. Alfonsín had denounced the armed forces’ tactics in the suppression of terrorism and had defended numerous political detainees during the dictatorship.⁶⁰ At the time, few lawyers were willing to take on such cases for fear of retribution. This past advocacy strengthened his human rights credentials during his candidacy and stoked fears over trials and imprisonment within sectors of the armed forces.

The discussion of sanctions against the military prompted the outgoing regime to attempt to protect itself. In April 1983, the armed forces published the “Final Document on the Struggle Against Subversion and Terrorism.” The text justified the junta’s actions in the context of a civil war and denied the practice of forced disappearances. In reference to what the leaders of the junta defined as errors in the exercise of power, the regime maintained, “Only history will be able to determine with certainty to whom corresponds the direct responsibility of unjust methods

⁵⁹ Alfonsín, *La cuestión argentina*, 207.

⁶⁰ U.S. Central Intelligence Agency, “Argentina: Challenges Facing the Alfonsín Administration,” December 6, 1983, *Argentina Declassification Project: The Dirty War* (Washington, D.C.: CIA Reading Room, 2019).

or innocent deaths.”⁶¹ The publication of this document attempted to silence future discussion of disappearances and protect the military from legal repercussions.

In trying to close the question on the disappearances, the junta had magnified the issue in the electoral campaign. The “Final Document” received widespread condemnation and drew further attention to the human rights question. Responding to the publication, Alfonsín promised that if elected, “illicit acts committed during the repression would be judged by the courts and not only history.”⁶² Thus, human rights trials became a central tenet of his platform, but he tried to present a measured tone. Alfonsín assured he did not seek revenge and explained he would not prosecute those “who were merely obeying orders in a time of extreme confusion.”⁶³ This proposal suggested a limited number of trials against top-ranking military officers.

Hoping to frame himself as the only candidate with plans to address human rights violations, Alfonsín repeatedly argued that the Peronists would not hold the military accountable. He claimed the Peronist Party and members of the armed forces had held secret negotiations, which exchanged campaign support for a promise to end investigations into the disappeared persons.⁶⁴ Denying this allegation, the Peronists said that such an agreement was “like signing a pact with a corpse,” and they accused their competitor of trying to win votes from “the strongly anti-military Peronist Labor base.”⁶⁵

⁶¹ “Documento final de la junta militar sobre la guerra contra la subversión y el terrorismo,” April, 28, 1983, *Argentina Declassification Project* (Washington, D.C.: The Department of State).

⁶² Fernando Sabsay, *Frondizi, Illia, Alfonsín: Estudio preliminar de Federico Storani* (Buenos Aires: Ciudad Argentina, 2000), 303.

⁶³ Geri Smith, “Argentine promise: ‘No more coups,’” *Santa Maria Times*, August 25, 1983.

⁶⁴ David Rock, *Argentina, 1516-1987: desde la colonización española hasta Raúl Alfonsín* (Buenos Aires: Alianza, 2002), 477.

⁶⁵ James Brooke, “Argentine Junta Waits for Civilians to Pick Up the Pieces,” *The Miami Herald*, May 31, 1983.

Alfonsín's claim lacked substantial evidence, but many found the accusation of a Peronist pact with the military credible. Press coverage played a role in legitimizing such rumors. In March, newspapers had reported meetings between President Bignone and Peronist leaders "to share ideas about the transition."⁶⁶ Additionally, intelligence documents from the United States C.I.A. indicate that they believed the military leaders had given "political and financial backing to Peronist candidates."⁶⁷

Luder's past political record also damaged his party's credibility and fueled rumors of military sympathies. From September to October 1975, he acted as interim president of Argentina while President Isabel Perón recovered from an illness. Isabel Perón had assumed the presidency after the death of her husband, President Juan Perón, in July 1974. During Luder's brief tenure, he signed a decree that granted the armed forces power to "annihilate subversion."⁶⁸ The order expanded the military's influence, and the armed forces frequently cited this decree as evidence of civilian support for their violent tactics during the dictatorship.

While Luder, Alfonsín's competitor, tried to overcome his past association with political violence and rumors about a military pact, Alfonsín capitalized on the country's renewed interest in the human rights issue. He offered the public a more detailed plan for trials and investigations than his opponent had provided. Alfonsín maintained that he would hold those responsible for human rights violations accountable through investigations and trials. However, he established three levels of responsibility: those who gave orders, those who exceeded orders, and those who

⁶⁶ Douglas Grant Mine, "Argentine Military Plans to Step Aside, Very Little Achieved," *Associated Press*, March 2, 1983.

⁶⁷ U.S. Central Intelligence Agency, "President's Daily Brief," May 18, 1983, *Argentina Declassification Project: Responsive Records* (Washington, D.C.: IC on the Record, 2016), Reagan PDB.

⁶⁸ Pion-Berlin, *Through the Corridors of Power*, 109.

followed orders. The final category, those who followed orders, would not face prosecution for their participation.⁶⁹ Using these classifications, Alfonsín believed he could bring the principal architects of the repressive framework to justice without antagonizing the entire military. This limited approach to prosecution would allow the armed forces to integrate into democratic society.

As the presidential candidates and the public debated the possibility of human rights prosecution, the military junta made a final attempt to guard itself against trials. President Bignone issued *The Law of National Pacification* on September 27, 1983. The decree granted a general amnesty for all criminal offenses committed by the armed forces between May 25, 1973 and June 17, 1982.⁷⁰ Additionally, the law ordered an immediate end to all ongoing investigations into deaths and disappearances if they involved members of the police or military.⁷¹

Although the *Law of National Pacification* sought to close the ongoing debate about prosecution, its decree ignited public debate. President Bignone claimed the measure would help the country overcome past tragedies and consolidate peace.⁷² However, political leaders as well as leading legal and religious figures criticized the amnesty measure as self-serving and unconstitutional.⁷³

⁶⁹ Alfonsín, *Ahora: Mi propuesta política*, 148.

⁷⁰ May 25, 1973 was the date of the last amnesty for political crimes, and June 17, 1982 was the resignation of the third successive junta following the Falklands defeat.

⁷¹ "Terrorism Review 13 October 1983 [Sanitized]," June 3, 1983, *Argentina Declassification Project* (Washington, D.C.: CIA Reading Room).

⁷² Gov't issues law to cover up 'dirty war,' Marshall T. Meyer Papers, David M. Rubenstein Rare Book & Manuscript Library, Duke University.

⁷³ "Terrorism Review 13 October 1983 [Sanitized]," June 3, 1983, *Argentina Declassification Project* (Washington, D.C.: CIA Reading Room).

The *Law of National Pacification* provided Alfonsín yet another opportunity to highlight the strength of his social justice platform in comparison to his competitor. While both presidential candidates condemned the law, Alfonsín took the stronger stance and promised to seek its annulment. He pledged, “We will not build the country’s future . . . on the basis of a moral abdication that would certainly exist if we acted as if nothing had happened in Argentina.”⁷⁴ In contrast, the Peronist candidate Luder claimed the effects of the law could not be repealed.⁷⁵ This weak response further demonstrated the willingness of the Peronists to appease the armed forces and bolstered Alfonsín’s credentials as the human rights candidate.

Alfonsín Wins the Presidency

Argentines returned to the polls for the first time in over a decade on October 30, 1983. In a landslide victory, Alfonsín won fifty-two percent of the vote while Luder received forty percent. The loss shocked the Peronists, who had never lost a presidential election. Many blamed the defeat on the violent rhetoric of some sectors of the party.⁷⁶ The Peronist Youth had adopted the chant: “We will return, the soldiers of Perón will return, the *milicos* are afraid, they are afraid of the wall.”⁷⁷ For some voters, the song’s vengeful tone meant that a Peronist victory would lead to more political violence.

The Peronist Party’s last campaign rally had confirmed those fears. The party’s presidential candidate, Ítalo Luder, and its candidate for Governor of Buenos Aires, Herminio Iglesias, delivered their final speeches to an enormous crowd gathered in the city’s center.

⁷⁴ Ferrari, 1983: *El año de la democracia*, 236.

⁷⁵ Oscar Muño, *Alfonsín: Mitos y verdades del padre de la democracia* (Buenos Aires: Aguilar, Altea, Taurus, Alfaguara, 2014), 158.

⁷⁶ Ibid, 143.

⁷⁷ *Milico* is a derogatory term for members of the military. Garulli, *Los desafíos de la transición democrática, 1983-1989*, 24.

Closing the event, Iglesias lit fire to a wooden coffin inscribed: “UCR. Alfonsín. Rest in Peace.”⁷⁸ National television broadcast the act across the country. For many, the symbolic burning of the opposition signified a continuation of violence rather than a new democratic beginning.

In contrast to the Peronist Party, the Radicals had campaigned on a message of tolerance, peace, and democracy. The Radical Party youth, known as the National Coordinating Junta, popularized the slogan: “We are life, we are peace, we are the National Coordinating Junta.”⁷⁹ Unlike the opposition, the Radical youth defined its party as separate from the violence and bloodshed of the preceding years. Their message contrasted with the vengeful tone of the Peronist youth and offered hope for reconciliation. However, the substantive difference between the parties’ candidates was Alfonsín’s willingness to condemn the military’s self-amnesty and to guarantee trials. After nearly eight years of violence, the country had sought a clear break from military rule. Alfonsín’s promise to adhere to the Constitution and reestablish democratic norms signaled such a rupture with the country’s history of military intervention.

Addressing his supporters as news of his election broke, Alfonsín conveyed a message of future stability and unity. “We have won, but we have defeated no one,” he proclaimed. “This is a victory for Argentina.”⁸⁰ This conciliatory gesture sought to make clear that his government would seek a path of national reunification. For a country on the verge of bankruptcy and traumatized by political violence, Alfonsín sent a message of hope. His election represented not

⁷⁸ UCR is the Spanish acronym for the Racial Civic Union Party. Ferrari, 1983: *El año de la democracia*, 256.

⁷⁹ Ibid, 240.

⁸⁰ Ibid, 268.

only the restoration of democracy but also the repudiation of the crimes committed by the outgoing regime.

Alfonsín's victory over the Peronist Party had shocked the nation, and the unexpected defeat suggested the beginning of a new era. Argentines had embraced the president-elect's message of change, and they greeted his election with enthusiasm. Reacting to the Radical Party's electoral triumph, Poet Jorge Luis Borges wrote, "Hope, which was nearly impossible a few days ago, is now our fortunate duty."⁸¹ A sense of optimism and anticipation had returned as the country's bloodiest dictatorship came to an end.

In spite of this celebratory atmosphere, Alfonsín faced a challenging situation. He would inherit a devastated economy and a country prone to democratic instability. No democratically elected president had finished his or her term since 1928.⁸² Promising to overcome this legacy, Alfonsín assured Argentines that his inauguration would usher in "100 years of freedom, peace, and democracy."⁸³ However, this future would depend on his ability to restore democratic institutions and address human rights issues, which had dominated the presidential campaign.

Beyond Campaign Promises

Alfonsín assumed the presidency on December 10, 1983. In his first presidential address, he called upon Congress to act in the interest of the people, and he encouraged all Argentines to reflect on the errors of the past. "The sorrow that we have lived left us lessons that we cannot nor should we forget, lessons that will help us leave this intolerable situation once and for all," he

⁸¹Jorge Luis Borges was Argentina's greatest living novelist. Famous for his short stories, he gained international prominence in the 1960s. His works are classics of 20th century literature. Jorge Luis Borges, "El último domingo de octubre," *Clarín Cultura y Nación*, December 22, 1983.

⁸² Nino, *Radical Evil on Trial*, 66.

⁸³ "Alfonsín, presidente," *El historiador*, consulted April 10, 2019, http://www.elhistoriador.com.ar/articulos/raul_alfonsin/asuncion_de_alfonsin.php

reminded them. “Nations, like men, mature in suffering, and we would not be worthy of the name of the Argentine nation if we were not capable of learning the lesson of this pain.”⁸⁴ In calling on the past and emphasizing the need to remember, Alfonsín indicated his continued commitment to meet the demands for memory, truth, and justice.

Alfonsín would devote his first days in office to outlining the human rights policies that he had endorsed during the campaign. He hoped to capitalize on the outpouring of public support that had followed his election. Therefore, on December 13, few days after his inauguration, he sent a series of bills to Congress. The first proposal sought to repeal the military’s self-amnesty while the others aimed to modify the penal code. The reforms would ratify international treaties on human rights, raise the sentence for torture to life imprisonment, and place military courts under civilian review.⁸⁵

At the same time that Alfonsín proposed judicial reforms, he also ordered the detention of the nine military leaders of the first three military juntas that had governed Argentina between 1976 and 1982.⁸⁶ He called for an investigation in order to determine who had been guilty of human rights violations and announced that the members of juntas would face trial before a military tribunal.⁸⁷ In the event that the Supreme Council refused to cooperate or excessively delayed trials, federal courts held broad powers of review.

The president’s swift action against the armed forces immediately established hostile relations with the military. Within the army, there existed sectors that believed Alfonsín was an

⁸⁴ Raúl Alfonsín, “Mensaje Presidencial del Dr. Raúl Alfonsín a la Honorable Asamblea Legislativa, 10 de diciembre de 1983,” in *Mensajes Presidenciales del Dr. Raúl Alfonsín a la Honorable Asamblea Legislativa, Período 1983-1987*, 75 (Buenos Aires: Imprenta del Congreso de la Nación, 1987).

⁸⁵ Ferrari, 1983: *El año de la democracia*, 392.

⁸⁶ Jorge Videla, Orlando Agosti, Emilio Massera, Roberto Viola, Omar Graffigna, Armando Lambruschini, Leopoldo Galtieri, Basilio Lami Dozo, and Jorge Anaya.

⁸⁷ Nino, *Radical Evil on Trial*, 70.

extreme leftist, who sought to destroy the military institution.⁸⁸ General Luciano Menéndez claimed, “This judicial stage is a continuation of the revolutionary war that our homeland endured. . . . What subversion didn’t achieve with weapons, it claims to obtain by taking refuge in the law in order to mock and violate [the law].”⁸⁹ Those who shared this opinion took an aggressive stance against the government. “When we return to power, my hand will not tremble when I order Raúl Alfonsín’s execution,” threatened General Ramón Camps.⁹⁰ Such statements from military sectors made it clear that the armed forces would not easily comply with trials.

Hoping to alleviate tension with the army, Alfonsín emphasized his plans for limited trials. He assured the armed forces that he did not seek sweeping prosecutions. Instead, he aimed to restrict trials to the highest levels of the dictatorship’s repressive framework and to protect those who merely followed orders.⁹¹ The president believed such distinctions would avoid antagonizing the entire military.

This proposal, later known as Due Obedience, derived from article 514 of the Argentine military code. Article 514 established that when a soldier commits a crime ordered by his superior, the only person responsible for the crime is the superior, unless the subordinate exceeds the scope of the order.⁹² Because Alfonsín had opted to respect military jurisdiction over trials of the armed forces, he believed the courts would honor the principle of Due Obedience.

⁸⁸ Deborah L. Norden, *Military Rebellion in Argentina: Between Coups and Consolidation* (Lincoln, NE: University of Nebraska Press, 1996), 78.

⁸⁹ Horacio Verbitzky, *Civiles y militares: Memoria secreta de la transición* (Buenos Aires: Editorial Sudamericana, 2003), 241.

⁹⁰ Camps threatened Alfonsín, says Cox, Marshall T. Meyer Papers, David M. Rubenstein Rare Book & Manuscript Library, Duke University.

⁹¹ Alfonsín, *Ahora: Mi propuesta política*, 148.

⁹² Nino, *Radical Evil on Trial*, 179.

Furthermore, Alfonsín thought military jurisdiction would allow the institution to cleanse itself, privately and with minimal civil interference.⁹³

In allowing the military to try its own, the president risked losing the support of his base. Human rights activists protested that civilian courts should run the trials. They felt that the president had conceded to the military by allowing it to judge its own members.⁹⁴ However, Alfonsín wanted to respect the legal code in place at the time of alleged wrongdoing. This meant honoring military jurisdiction. Although many worried this system would allow the armed forces to avoid prosecutions, Alfonsín had designed a two-stage process. This compromise, which established federal oversight, would transfer pending cases to civilian courts if the Supreme Council refused to cooperate.

Finally, two days after order the detention of the three military juntas, on December 15, 1983, Alfonsín formed the National Commission on the Disappearance of People (CONADEP). The commission's purpose was to investigate the circumstances surrounding the disappearance of individuals between 1976 and 1983 and to inform the Executive and Legislative branches of these findings. The president defined the fact-finding mission as a "complement and not a substitute for judicial work."⁹⁵ At the end of 180 days, CONADEP would publish a final report documenting its investigation.

Alfonsín had outlined his plan for the commission during an interview with *El País* prior to his inauguration. He proposed a commission of notables, which included public figures from fields as varied as journalism, law, literature, science, and religion. The majority had also been

⁹³ Andrew McAdam et al., *Raúl Alfonsín: La democracia a pesar de todo* (Buenos Aires: Corregidor, 2009), 97.

⁹⁴ Nino, *Radical Evil on Trial*, 67-68.

⁹⁵ Resolution from el Poder Ejecutivo Nacional, Marshall T. Meyer Papers, David M. Rubenstein Rare Book & Manuscript Library, Duke University.

defenders of human rights during the dictatorship.⁹⁶ Explaining the necessity for an investigative committee, he said, “We want the truth to be known about what happened.”⁹⁷

While human rights organizations supported the idea of a truth commission, they disagreed with the president’s model. Activists maintained that only a bicameral commission would have the necessary legal power to subpoena the military and politically condemn state terror.⁹⁸ Alfonsín, however, wanted to avoid politicizing the process. He feared that legislators in a bicameral commission would not act impartially due to political pressure, and he thought that the authority to condemn past violations belonged exclusively to the judicial branch.⁹⁹

Despite this climate of opposition, the truth commission proceeded as envisioned by Alfonsín and included ten notable public figures appointed by the president.¹⁰⁰ Members of CONADEP unanimously elected novelist Ernesto Sábato as president, and he would go on to be the principal author of the commission’s report.¹⁰¹ In addition to prominent civilians, Alfonsín also invited congressmen from the majority parties to nominate representatives. However, only three members of Congress, who were also members of his own party, would participate in the commission.¹⁰²

⁹⁶ Muño, *Alfonsín: Mitos y verdades del padre de la democracia*, 162.

⁹⁷ Martin Prieto, “Nunca más volveremos a los Gobiernos militares,” *El País*, December 11, 1983.

⁹⁸ Emilio Crenzel, “Argentina’s National Commission on the Disappearance of Persons: Contributions to Transitional Justice,” *The International Journal of Transitional Justice* 2, (2008), 179.

⁹⁹ *Ibid*, 178.

¹⁰⁰ Members of the commission included novelist Ernesto Sábato; Former Supreme Court Justice (1960-66) Ricardo Colombres; Cardiac Surgeon René Favaloro, known as a pioneer in coronary artery bypass surgery; Civil Engineer and University Educator Hilario Fernández Long; Methodist Bishop Carlos T. Gattinoni; Mathematician and Philosopher Gregorio Klimovsky; Rabbi Marshall Meyer; Catholic Priest Jaime F. de Nevares; Philosopher and Sub-secretary of Human Rights (1984-1989) Eduardo Rabossi; and Journalist Magdalena Ruiz Guiñazú.

¹⁰¹ In 1984, Sábato won the Cervantes Prize, Hispanic literature’s most prestigious award, after the publication of the truth commission’s report in Spain.

¹⁰² *Ibid*, 179.

The opposition's refusal to designate representatives signaled the political divide regarding human rights issues. Although the Peronists had campaigned on a platform that honored the military's self-amnesty, they changed their stance after Alfonsín's surprise victory. Carlos Nino, Deputy Assistant to the President, claimed the opposition feared the Radical Party would become unbeatable if its human rights policy succeeded.¹⁰³ Thus, the Peronists sought to undermine the president's position.

Although CONADEP had limited political support, it successfully completed its mandate and uncovered significant evidence. The commission received more than 50,000 declarations over the course of 1984. In a public ceremony on September 20, 1984, CONADEP delivered its report, *Never Again*, to the president. The investigation registered 8,961 cases of disappearance and identified 340 clandestine detention centers, but the report recognized that these figures were likely lower than the real number of *desaparecidos*. Sábato, President of CONADEP, clarified that *Never Again* was "inevitably an open list."¹⁰⁴

Although the list compiled by the commission was incomplete, the report aimed to offer a general representation of the types of crimes committed between 1976 and 1983. In the prologue, Sábato acknowledged that the president had not established the commission to judge and urged Argentines to "expect from justice the definitive word."¹⁰⁵ However, he maintained that the commission could not "be silent about what we have heard, read and recorded."¹⁰⁶ *Never Again* offered the first official recognition of the crimes committed by the military dictatorship. It

¹⁰³ Nino, *Radical Evil on Trial*, 111.

¹⁰⁴ Secretaria de Derechos Humanos de Argentina. Comisión Nacional sobre la Desaparición de Personas, *Nunca más: informe de la Comisión Nacional sobre la Desaparición de Personas*, 297.

¹⁰⁵ Ibid., 11.

¹⁰⁶ Ibid.

would also serve the judicial system as a significant source of evidence during human rights trials.

While the thoroughness and impartiality of CONADEP marked a significant victory for Alfonsín's human rights policy, the trials under military jurisdiction had stalled. The Supreme Council of the Armed Forces had placed General Videla and Officer Massera in preventative detention in August 1984. Their detention signaled progress in the judicial investigations. However, in the following month, the tribunal admitted it could not complete trials within the period allotted by the Executive.

Although the Supreme Council initially blamed time constraints, its subsequent statements indicated that the tribunal simply refused to judge the military. The Supreme Council had claimed, "As a result of the studies performed to date, the decrees, directives, and operational orders that mandated the military activity against subversion are, with regard to their content and form, unobjectionable."¹⁰⁷ Responding to the failure of the Supreme Council, the Federal Court of Appeals immediately ordered the military tribunal to send the fifteen thousand pages of files to Federal Prosecutor Julio Strassera. Civil courts would now retain jurisdiction over the trial of the military juntas.

Conclusion

Alfonsín strived to deliver on his promise to address past human rights violations in his first acts as president. Drawing on popular support following the election, he relied on a combination of judicial and non-judicial measures to deal with past wrongs. Alfonsín allowed military courts to retain jurisdiction over trials but also designed a truth commission led by

¹⁰⁷ Nino, *Radical Evil on Trial*, 78.

notable civilians to investigate human rights abuses. This relatively cautious approach sought to balance the call for accountability with the need to integrate the armed forces into democratic society.

Despite Alfonsín's attempts at moderation, his actions drew criticism from both supporters and detractors. Those who had backed his human rights platform expected a harsher stance toward the military. By campaigning on his reputation as an activist, Alfonsín had created high expectations for justice and accountability. He now risked losing political capital with his base, who viewed any compromise as a concession to the military. In contrast, the armed forces believed the president sought to destroy the institution. Alfonsín's antimilitary rhetoric throughout the campaign hindered his prospects of establishing positive civil-military relations during his administration.

These early conflicts surrounding the implementation of his human rights agenda would only intensify as the trials proceeded through civilian courts. Unlike the truth commission, the president had limited control over prosecutions. The judiciary, whose authority he could not challenge without sacrificing his democratic reputation, now held greater power over the scope of trials. This process complicated Alfonsín's agenda and increased tension with the military, who expected the president to exercise greater authority over the extent and duration of prosecutions.

Chapter Three: The Trial of the Juntas

On March 28, 1985, a bomb exploded at the Radical Civic Union Party Headquarters in the urban suburb of San Martín, northwest of Greater Buenos Aires. The attack was the third in as many days.¹⁰⁸ No group claimed credit for the series of bombings throughout the provinces, but many suspected that the upcoming trial of the military juntas motivated the incidents. The Federal Court of Appeals had retained jurisdiction over the legal proceedings, and the trial was set to begin on April 22. As attacks on political offices and headquarters continued, rumors of a possible coup gained traction.¹⁰⁹

President Alfonsín addressed the nation on the eve of the trial of the military generals and condemned the violent episodes that had recently occurred. “The voices of antidemocracy have suspiciously appeared in an effort to get the people . . . to lose their hopes, and to abandon their full and responsible exercise of freedom,” he claimed.¹¹⁰ To overcome these antidemocratic forces, he urged all Argentines to converge on Plaza de Mayo on the following Friday as a show of unity. Approximately 250,000 people responded to the president’s call and gathered to demonstrate their support for democracy.¹¹¹

Over the course of the following eight months, the trial of the juntas captured national attention. The procedures were oral and open to the public. Although not televised or aired by radio, the trial received detailed coverage in *El Diario del Juicio*, a weekly publication that

¹⁰⁸ “Bomb Explodes at UCR Office in San Martin,” Buenos Aires *Noticias Argentinas* (March 28, 1985), Trans. Foreign Broadcast Information Service, FBIS Daily Report, Latin America, FBIS-LAM-85-063, April 2, 1985, B2.

¹⁰⁹ Liliana Garulli, *Los desafíos de la transición democrática, 1983-1989* (Buenos Aires: Editorial Universitaria de Buenos Aires, 2011), 64.

¹¹⁰ “Alfonsín Denounces ‘Enemies of Democracy,’” Buenos Aires *Domestic Service* (April 22, 1985), Trans. Foreign Broadcast Information Service, FBIS Daily Report, Latin America, FBIS-LAM-85-077, April 22, 1985, B4.

¹¹¹ Horacio Verbitzky, *Civiles y militares: Memoria secreta de la transición* (Buenos Aires: Editorial Sudamericana, 2003), 103.

documented the proceedings and included witness transcripts. The accessibility and publication of the facts surrounding the prosecution helped convert the trial into a national event, which not only punished the guilty but also helped create a shared understanding of the past.

The completion of the trial of the former military rulers provided President Alfonsín with a major policy victory. He had campaigned on the promise to hold the armed forces accountable for human rights violations, and he had delivered not only trials but also guilty verdicts. More importantly, he had done so through democratic and constitutional means. The legal proceedings relied on the Argentine criminal code in place at the time of alleged wrongdoing, and the judges delivered verdicts without interference from the executive. Such measures demonstrated the ability of democratic processes to condemn illegal acts, even when performed by those in power. This was an important act in a country prone to military intervention.

Although the trial of the juntas delivered on the president's most important campaign promise, the sentencing undermined other aspects of his human rights agenda. Alfonsín had imagined a limited number of trials against the highest officers for the worst abuses. To achieve this reduced volume of prosecutions, the president hoped that the court would absolve lower ranking officers of criminal responsibility based on the principle of due obedience in the military code of justice. However, the justices had placed no limits on judicial activities. Instead, the final verdict ordered the continued investigation of subordinates, who may also hold blame for abhorrent crimes.¹¹²

Alfonsín expected the trial and conviction of members of the three military juntas to satisfy calls for justice. Ultimately, the prosecution exceeded the president's expectations and

¹¹² “¿Por qué las condenas no eran mayores?” *El Diario del Juicio*, December 17, 1985.

provoked more demand for trials. This occurred, in part, due to the growing autonomy of the judiciary under Alfonsín. Historically, the judicial branch was subordinate to the executive and could not act as a genuine check on presidential powers, but the courts showed a renewed willingness to challenge the executive during Alfonsín's administration.¹¹³ The success of the trial of the military generals also restored the legitimacy of the courts among ordinary citizens. Judicial means now seemed more viable because the judiciary had managed to convict even the most powerful military leaders.

Examining judicial appointments and procedures under the Alfonsín administration, this chapter considers how the judiciary's growing autonomy both facilitated and impeded the president's policies. The Federal Court of Appeals' resistance to intimidation from the armed forces made possible the trial of the juntas and delivered a major political victory to the president. However, this same resistance to outside influence meant that the court would not make decisions based on the desires of the executive. Although Alfonsín publicly expressed hope that the courts would honor the principle of due obedience, the justices would act independently and advocate further investigations.

The consequences of this decision presented serious complications to the president's human rights agenda. As the administration faced a second wave of trials, it feared that tensions with the military would reach new heights. The prospect of thousands of new charges against members of the armed forces exceeded Alfonsín's plans and risked retaliation from the military. Thus, the same sentencing that provided his most important policy victory also jeopardized the civilian government's tenuous control over the armed forces.

¹¹³ Rebecca Bill Chavez, *The Rule of Law in Nascent Democracies: Judicial Politics in Argentina* (Stanford: Stanford University Press, 2004), 5-7.

The Judiciary under Alfonsín

The trial of the juntas transferred to civilian courts after the Supreme Council of the Armed Forces refused to cooperate with the prosecution of the generals. The Supreme Council, composed of retired officers from each branch, was the military's highest court. Its stance represented the first serious test of Alfonsín's human rights program, and his administration received criticism from politicians and activists alike. Christian Democratic Party leader Néstor Vicente claimed, "It was wrong to believe that executioners would judge executioners."¹¹⁴ For those who had opposed military jurisdiction over human rights trials, the Supreme Council's failure to undertake investigations and prosecution demonstrated the armed forces' commitment to impunity.

Prominent leaders in the human rights movement joined the public condemnation of the president and his faith in the military court system. "The Supreme Council is made up of murderers who have acted as was expected by the murderers whom they should have judged," asserted Hebe Pastor de Bonafini, President of the Mothers of Plaza de Mayo.¹¹⁵ She had endured significant personal losses during the military dictatorship. In February 1977, Bonafini's oldest son disappeared. Her other son suffered the same fate in December 1977. The following year, her daughter-in-law disappeared. The abductions of her children led Bonafini to organize an advocacy group with mothers of the disappeared. Every Thursday, beginning in 1977, these women marched at Plaza de Mayo in front of the seat of the national government.¹¹⁶ The Mothers demanded answers about their children's fate from the military dictatorship. With the

¹¹⁴ "Political Leaders Criticize Note," Buenos Aires *DYN* (September 27, 1984), Trans. Foreign Broadcast Information Service, FBIS Daily Report, Latin America, FBIS-LAM-84-189, September 27, 1984, B3.

¹¹⁵ Ibid.

¹¹⁶ María Virginia Morales, *De la cocina a la plaza: La categoría "madre" en el discurso de las madres de Plaza de Mayo* (Villa María: Edivim, 2010), 51.

return of democracy, the Mothers of Plaza de Mayo challenged the civilian government to hold the armed forces accountable through trials.

Facing overwhelming public contempt, the Supreme Council called on the Ministry of Defense to protect the military court from public attacks. Minister of Defense Raúl Borrás, Alfonsín's former campaign manager and most trusted cabinet member, offered little sympathy.¹¹⁷ "This court is exposed in a democratic society to the judgement of the people," he explained." It is always a valuable guide for people fulfilling public functions."¹¹⁸ Borrás not only denied issuing a public statement in support of the Supreme Council, but his remarks implied that he too viewed the court's behavior as undemocratic. Four days after the meeting with Borrás, all members of the Supreme Council of the Armed Forces resigned in protest.¹¹⁹

The military court's refusal to issue verdicts had delayed legal proceedings and had communicated its contempt for trials against the armed forces. The subsequent resignation of all members of the Supreme Council further called into question the military's subordination to civilian powers and the feasibility of prosecutions. The tribunal's obstruction represented a significant defeat for Alfonsín, and his opposition claimed that he did not have control over his proposed human rights agenda.¹²⁰

Although the Supreme Council had challenged the president's authority, it did not derail his overall policy goals. Alfonsín had advocated for a two-stage process for the trial of the juntas

¹¹⁷ David Pion-Berlin, *Through Corridors of Power: Institutions and Civil-Military Relations in Argentina* (University Park, PA: Pennsylvania State University Press, 1997), 81.

¹¹⁸ "Borrás Responds to Supreme Council Request," Buenos Aires *Noticias Argentinas* (November 10, 1984), Trans. Foreign Broadcast Information Service, FBIS Daily Report, Latin America, FBIS-LAM-84-220, November 13, 1984, B1.

¹¹⁹ "Entire Armed Forces Supreme Council Resigns," Buenos Aires *TELAM* (November 14, 1984), Trans. Foreign Broadcast Information Service, FBIS Daily Report, Latin America, FBIS-LAM-84-220, November 15, 1984, B1.

¹²⁰ Horacio Verbitsky, "Entre olvido y memoria," in *Los juicios por crímenes de lesa humanidad en Argentina*, ed. Gabriele Andreozzi (Buenos Aires: Atuel, 2011), 38.

as president-elect. “My commitment is not with the military justice system exclusively, although I am currently obligated to continue in it,” he explained during a press interview, “So, I am now sending a law so that there is a possibility of appealing to ordinary courts over military courts.”¹²¹ The Code of Military Justice granted military jurisdiction to active duty service members who committed an infraction, whether in times of war or peace.¹²² Alfonsín felt bound to respect statutes in place at the time of alleged wrongdoing, but he had prepared alternative legal solutions in the event that the Supreme Council shirked its responsibility to prosecute.

Furthermore, Alfonsín had never imagined that he would exercise absolute control over judicial proceedings. Instead, he had emphasized the necessity of a “strong and independent” judiciary.¹²³ As a testament to this commitment, Alfonsín appointed politically diverse candidates to the Supreme Court. He initially offered the post of Chief Justice to Ítalo Luder, the defeated Peronist presidential candidate. Luder did not accept the position, but the offer suggested that partisanship did not drive Alfonsín’s nominations. Ultimately, only two of the five appointments to the Supreme Court shared the president’s political affiliation.¹²⁴

The appellate court judges appointed by Alfonsín also reflected diverse ideological and partisan backgrounds. The president selected Ricardo Gil Lavedra, Andrés D’Alessio, Carlos Arslanián, Jorge Valerga Araoz, Jorge Torlasco, and Guillermo Ledesma to the Federal Court of Appeals. These justices would gain significant influence over the president’s human rights program because they held powers of review over the Supreme Council of the Armed Forces. Of

¹²¹ Martin Prieto, “Nunca más volveremos a los Gobiernos militares,” *El País*, December 11, 1983.

¹²² Pion-Berlin, *Through Corridors of Power: Institutions and Civil-Military Relations in Argentina*, 81.

¹²³ Raúl Alfonsín, “Mensaje Presidencial del Dr. Raúl Alfonsín a la Honorable Asamblea Legislativa, 10 de diciembre de 1983,” in *Mensajes Presidenciales del Dr. Raúl Alfonsín a la Honorable Asamblea Legislativa, Período 1983-1987*, 18 (Buenos Aires: Imprenta del Congreso de la Nación, 1987).

¹²⁴ Chavez, *The Rule of Law in Nascent Democracies: Judicial Politics in Argentina*, 32.

these nominees, only two held Radical party sympathies, but the majority had demonstrated professional and moral courage during the military dictatorship.¹²⁵ For example, Torlasco and Ledesma had declared during the dictatorship that the military's self-amnesty was unconstitutional.¹²⁶

The president's judicial nominees sought to communicate respect for the institution's independence from the executive. As a vocal critic of the hyper-presidentialism that had dominated Argentina's history, Alfonsín viewed the separation of powers as fundamental to the consolidation of democracy. This commitment to judicial independence required surrendering some level of control, but he thought this sacrifice was necessary to strengthen the country's democratic institutions. As a result of the administration's efforts to promote judicial autonomy, the justices and appellate court judges reported that Alfonsín never pressured them to support his preferences. Court rulings, which reflected a growing independence from the executive during his presidency, support these claims.¹²⁷

The Trial of the Juntas

With the judiciary reconstituted and the Supreme Council renouncing its duty to prosecute, the Federal Court of Appeals assumed jurisdiction over the trials of the military juntas in October 1984. General Jorge Rafael Videla, senior commander in the army and de facto president from March 24, 1976 to March 29, 1981, swiftly presented a request to return his case

¹²⁵ Carlos Santiago Nino, *Radical Evil on Trial*, (New Haven, CT: Yale University Press, 1996), 72.

¹²⁶ Gretchen Helmke, *Courts Under Constraints: Judges, Generals, and Presidents in Argentina* (Cambridge: Cambridge University Press, 2005), 78.

¹²⁷ Chavez, *The Rule of Law in Nascent Democracies: Judicial Politics in Argentina*, 45.

to the Armed Forces Supreme Council, which he recognized as his “natural judge.”¹²⁸ Former Air Force Commanders Orlando Agosti and Omar Graffigna presented similar appeals as a “political stand” against civilian trials of military officials.¹²⁹

The court rejected all requests, and the Federal Court of Appeals turned the cases over to the prosecutor, Julio Strassera. Receiving more than 15,000 pages of files, Strassera’s first step was to recruit an assistant prosecutor. Luis Moreno Ocampo, a specialist in criminal law from the Solicitor General’s Office, was the only lawyer willing to accept the position.¹³⁰ Moreno Ocampo came from a conservative, military family, and his relatives pressured him not to accept the post. In fact, his uncle, a retired army colonel, never spoke to him again after the trial of the juntas.¹³¹ Moreno Ocampo believed his background provided insight into the difficult task facing the prosecution. They would have to prove that the military had committed crimes and deserved punishment not only to the justices but also to sectors of Argentine society that had supported the military dictatorship.

While the prosecution began its work on the trial, Strassera requested a meeting with President Alfonsín. Argentina, and Latin America as a whole, had never held trials against former authoritarian leaders for crimes committed during their governments. Thus, the prosecution could not draw from historical precedence and expected Alfonsín to offer guidance. Instead, Strassera recalled that “the president, who could have given me instructions, told me

¹²⁸ “Videla Wants Charges Returned to Military Court,” *Buenos Aires Herald* (October 16, 1984), Trans. Foreign Broadcast Information Service, FBIS Daily Report, Latin America, FBIS-LAM-84-220, October 17, 1984, B2.

¹²⁹ “Ex-Air Force Commander Appeals Trial Proceedings,” *Buenos Aires Herald* (October 17, 1984), Trans. Foreign Broadcast Information Service, FBIS Daily Report, Latin America, FBIS-LAM-84-220, October 18, 1984, B4.

¹³⁰ Oscar Muñio, *Alfonsín: Mitos y verdades del padre de la democracia* (Buenos Aires: Aguilar, Altea, Taurus, Alfaguara, 2014), 167.

¹³¹ Kathryn Sikkink, *The Justice Cascade: How Human Rights Prosecutions are Changing World Politics* (New York: W.W. Norton & Company, 2011), 61.

explicitly that as prosecutor I had complete freedom. Astonishing!”¹³² Alfonsín’s refusal to intervene, even at the request of the prosecution, sought to strengthen the separation of powers between the executive and the judiciary.

As the prosecution gathered evidence and prepared its argument, Strassera and Moreno Ocampo relied heavily on the truth commission report compiled by the National Commission on the Disappearance of Persons (CONADEP). The staff of CONADEP selected 1,500 cases where evidence helped establish the responsibility of the military leaders on trial.¹³³ Strassera and Moreno Ocampo then narrowed this selection to 670 cases. Over the course of February and March 1985, the prosecution cited defendants and shared the identity of the victims in order to justify preventive detention of the ex-leaders of the military juntas.¹³⁴

The first public hearing of the trial of the members of the three juntas began in April 1985. Strassera presented 709 charges against the former military leaders. The most frequent accusations were kidnapping, torture, and murder.¹³⁵ The forced disappearance of persons did not figure into the charges because the crime did not officially exist in Argentine legislation and the crime of homicide required a cadaver.¹³⁶ “The trial would be a purely accusatory procedure,” explained Strassera. “What I could not prove could not be grounds for conviction by the court.”¹³⁷ This strategy limited charges against the ex-commanders. However, Strassera believed it necessary that the trials rely on irrefutable evidence to convict the accused rather than “the

¹³² Muño, *Alfonsín: Mitos y verdades del padre de la democracia*, 167.

¹³³ Sikkink, *The Justice Cascade: How Human Rights Prosecutions are Changing World Politics*, 72.

¹³⁴ Nino, *Radical Evil on Trial*, 82.

¹³⁵ Andrew McAdam et al., *Raúl Alfonsín: La democracia a pesar de todo* (Buenos Aires: Corregidor, 2009), 72.

¹³⁶ “Los fiscales Julio Cesar Strassera y Luis Gabriel Moreno Ocampo analizan la sentencia,” *El Diario del Juicio*, December 24, 1985.

¹³⁷ Pepe Eliashev, *Los hombres del juicio: Por primera vez los jueces y el fiscal que condenaron a los ex comandantes cuentan la historia íntima del acontecimiento que cambió a la Argentina para siempre* (Buenos Aires: Editorial Sudamericana, 2011), 328.

intimate conviction that he is a torturer.”¹³⁸ This method demonstrated strict compliance with the Constitution and domestic criminal law in order to avoid any implication that the prosecution had applied retroactive law.¹³⁹

The clandestine nature of the juntas’ repressive practices restricted the charges, but the prosecution sought to establish a methodical pattern to the violence. Since releasing the “Final Document on the Struggle against Subversion and Terrorism” in April 1983, the armed forces had maintained that any unjust or innocent deaths were the result of errors or excesses committed by individual officers.¹⁴⁰ Strassera’s case selection sought to disprove this defense by demonstrating that a sustained pattern of abduction, torture, and murder occurred countrywide. By proving similarities across numerous military commands, Strassera argued that the former leaders had established an apparatus of state terror and could not attribute the violence to a few renegade officers.¹⁴¹

Beyond detailing the facts of the 709 cases and establishing a pattern of repressive practices, the prosecution needed to prove a legal basis for punishment. The juntas’ commanders did not directly engage in or supervise the described atrocities, but they had issued the instructions calling for the annihilation of subversion.¹⁴² In the context of state-sanctioned violence, Strassera reasoned that the ex-leaders were indirect authors of the crimes committed

¹³⁸ Néstor J. Montenegro, Julio Cesar Strassera, y Luis Gabriel Moreno Ocampo, *Será justicia: entrevistas* (Buenos Aires: Editorial Distal, 1986), 23.

¹³⁹ Retroactive law or *ex post facto law* refers to law that criminalizes conduct that was not illegal when performed, increases the punishment for crimes already committed, or changes the rules of procedure in force at the time an alleged crime was committed in a way substantially disadvantageous to the accused.

¹⁴⁰ “Documento final de la junta militar sobre la guerra contra la subversión y el terrorismo,” April, 28, 1983, *Argentina Declassification Project* (Washington, D.C.: The Department of State).

¹⁴¹ Pion-Berlin, *Through Corridors of Power: Institutions and Civil-Military Relations in Argentina*, 82.

¹⁴² *Ibid*, 83.

because they exercised complete control of the repressive apparatus and over the direct agent, or subordinate.¹⁴³

The prosecution sought to demonstrate that the generals held responsibility for the actions of their subordinates due to the structure and culture of the armed forces. Within the military, the top brass could remove and replace someone for noncompliance. Thus, the individual was interchangeable, and the crime would likely occur with or without that person's participation. Furthermore, the armed forces encouraged total confidence in one's superiors. Retired Navy Officer Adolfo Scilingo, who would gain fame in the 1990s as the first man to break the military's pact of silence, explained, "In the navy, there's no such thing as orders that aren't legal."¹⁴⁴ Scilingo's account detailed a military institution that expected blind obedience and discouraged individual assessment of an order's legitimacy.

The testimony of military officers during the trial helped the prosecution establish the unique context in which human rights violations occurred. First Lieutenant Ernesto Facundo Urien detailed how the hierarchal structure of the armed forces encouraged compliance because those who expressed differing opinions risked their career.¹⁴⁵ After questioning tactics used in the war against subversion, Urien recounted his forced retirement for "not sharing the philosophies that the institution upheld."¹⁴⁶ Fear of repercussions for speaking out extended beyond professional concerns. "The climate that existed was don't risk frank opinions," testified Captain Félix Roberto Bussico, "There inside, life had no value . . . regardless of the life

¹⁴³ Nino, *Radical Evil on Trial*, 85.

¹⁴⁴ Horacio Verbitsky, *Confessions of an Argentine Dirty Warrior: A Firsthand Account of Atrocity*, (New York: The New Press, 2005), 27.

¹⁴⁵ "Reportaje al Teniente Primero Ernesto Facundo Urien, el militar que relaciono los excesos en Córdoba con la gestión de Menéndez en el Tercer Cuerpo," *El Diario del Juicio*, June 25, 1985.

¹⁴⁶ "Testimonio del señor Ernesto Facundo Urien, militar (r)," *El Diario del Juicio*, June 19-21, 1985.

involved.”¹⁴⁷ An officer could refuse to comply with orders, but the repressive apparatus bred fear of retaliation and limited subordinates’ decision-making capacity.

Witness testimony would serve as the prosecution’s most powerful tool during the trial of the juntas. More than 800 people testified throughout the proceedings and shared dramatic details of torture and abuse.¹⁴⁸ In response, the defense frequently resorted to attacks on the individual’s character. This strategy often backfired. After an aggressive line of questioning, Magdalena Ruiz Guiñazú, journalist and member of the National Commission on the Disappearance of Persons, replied with her own question. “Is it lawful,” she asked, “to torture, kill, and make people disappear?”¹⁴⁹ Guiñazú’s retort highlighted the criminality of the defendants’ actions regardless of the victims’ alleged political affiliations or actions.

The Final Verdict

On September 11, 1985, Strassera gave his closing statements and summarized the prosecution’s evidence. He began by recognizing that the 709 cases did not encompass the scope of crimes committed during the military dictatorship. However, the charges established a pattern of state-sanctioned violence. Strassera accused the former dictators of using the same unethical tactics—kidnapping, torture, and murder—that they claimed to fight.¹⁵⁰

Concluding his argument, Strassera emphasized the depravity of the crimes described during the trial. He claimed that the accused had committed offenses for which Dante, in the

¹⁴⁷ “No creí que en la Armada pasara eso,” *El Diario del Juicio*, July 23, 1985.

¹⁴⁸ “Después de la sentencia,” *El Diario del Juicio*, December 17, 1985.

¹⁴⁹ ““Los 127 niños desaparecidos eran terroristas?”” *El Diario del Juicio*, June 11, 1985.

¹⁵⁰ Gabriel Di Meglio and Gustavo Álvarez, *Voces de la democracia: Los discursos que hicieron historia, 1983-2013* (Buenos Aires: Aguilar, 2013), 67.

Divine Comedy, had reserved for the seventh circle of hell.¹⁵¹ For these abhorrent crimes, Strassera asked for penalties ranging from life imprisonment for the members of the first two juntas to ten years for members of the last junta.¹⁵² He finished with a phrase that he declared now belonged to all of Argentina: “Your Honors: Never Again.”¹⁵³

The defense attorneys began their summation on September 30, 1985. They responded to the charges along three lines of argument: the political nature of the process; the “warlike” state, under which the acts and measures of the military should be understood and justified; and the unconstitutionality of the trial, as it removed the former commanders from military jurisdiction.¹⁵⁴ Furthermore, the accused believed the trial punished them for acts of service to the nation. “He who saves the nation does not break any law,” asserted the defense counsel for Lami Dozo, air force general and member of the third junta.¹⁵⁵ The defendants understood their actions within the context of an ideological war, so they believed defeating subversion justified their methods and absolved them of criminal responsibility.

Issuing its final verdict in December 1985, the Federal Court of Appeals rejected the defense’s arguments. The chamber responded that the defendants’ actions were abusive. “There was no intensification of originally adequate means but rather illicit instruments,” explained the judges.¹⁵⁶ They held that “combat should never escape the framework of the law.”¹⁵⁷ The sentencing further clarified that the military juntas had access to legal measures to combat so-

¹⁵¹ Ibid, 68.

¹⁵² Nino, *Radical Evil on Trial*, 85.

¹⁵³ Di Meglio and Álvarez, *Voces de la democracia: Los discursos que hicieron historia*, 73.

¹⁵⁴ María Laura San Martino de Dromi, *Argentina contemporánea de Perón a Menem* (Buenos Aires: Fundación Centro de Estudios Políticos y Administrativos, 1996), 1129.

¹⁵⁵ Nino, *Radical Evil on Trial*, 86.

¹⁵⁶ “Introducción al dispositivo,” *El diario del Juicio*, January 28, 1986.

¹⁵⁷ Ibid.

called subversives. According to the members of the Federal Court of Appeals, the dictatorship could have declared emergency zones, dictated public warnings, made summary judgements, and even applied death sentences.¹⁵⁸ The former leaders had not employed these methods.

In its entirety, the judgement filled 868 pages. The judges sentenced General Jorge Videla and Admiral Eduardo Massera to life in prison; General Roberto Viola to seventeen years in prison; Admiral Armando Lambrushini to eight years in prison; and Brigadier General Osvaldo Agosti to four and one-half years in prison. The sentencing also stripped them of their military status. Those acquitted were the second junta's Brigadier General Omar Graffigna, and the three leaders of the third junta, General Leopoldo Galtieri, Admiral Jorge Anaya, and Brigadier General Lami Dozo.¹⁵⁹ Members of the second and third juntas generally received lower sentences because more than eighty percent of the kidnappings occurred during the first two years of the dictatorship.¹⁶⁰

Following the sentencing, the trial received praise from government officials across the political spectrum. Radical Party Deputy Leopoldo Moreau claimed the varied convictions proved the trial was not "politically-motivated."¹⁶¹ Welcoming the verdicts, Peronist Party Deputy Carlos Grosso said the five convictions were "an important factor for the consolidation and stability of democracy."¹⁶² However, some politicians and human rights activists expressed anger and disappointment. "Genocide has not been punished," contended Luis Zamora, chief of the Movement towards Socialism. "[The government] tried genocide as if it were like stealing

¹⁵⁸ Ibid.

¹⁵⁹ Pion-Berlin, *Through the Corridors of Power*, 83.

¹⁶⁰ Secretaria de Derechos Humanos de Argentina. Comisión Nacional sobre la Desaparición de Personas, *Nunca más: informe de la Comisión Nacional sobre la Desaparición de Personas* (Buenos Aires: Eudeba, 2009), 302.

¹⁶¹ "Reaction Continues to Trial Sentencing," *Buenos Aires Herald* (December 11, 1985), Trans. Foreign Broadcast Information Service, FBIS Daily Report, Latin America, FBIS-LAM-85-239, December 12, 1985, B2.

¹⁶² Ibid.

chickens.”¹⁶³ Hebe Pastor de Bonafini, President of the Mothers of the Plaza de Mayo, had left the courtroom in protest after various junta members received acquittals.¹⁶⁴

Particularly for those who had suffered personally, the sentencing appeared far too lenient. Emilio Mignone, President of the Center for Legal and Social Studies, maintained that “the sentencing [did] not satisfy the expectations of a democratic society.”¹⁶⁵ Mignone had worked for the Ministry of Justice in the 1950s and later served as a specialist in education policy for the Organization of the American States. Despite a long history of public service, his involvement in the Argentine human rights movement did not begin until after the disappearance of his daughter, Mónica. She was a child psychologist and worked in the Santa María del Pueblo Church in a shanty town west of Buenos Aires. In the early morning of May 24, 1976, just two months after the military coup, plainclothes officers broke into the Mignone family home and took Mónica for questioning. Her family never saw her again.¹⁶⁶

Despite conflicting reactions from the public, the verdicts represented an enormous policy success for President Alfonsín because convictions against former leaders had never happened in Argentina. However, the final ruling contained language that the administration did not expect. In point 30 of the verdict, the court held, “There exist subordinates who are not going to be exonerated by due obedience, and who are responsible for the known acts together with those who imparted the orders.”¹⁶⁷ The court did not absolve lower-ranking officers of criminal responsibility, and asked that investigations continue in order to discover and punish the

¹⁶³ Ibid.

¹⁶⁴ Lydia Chavez, “Argentines Vary in their Reaction,” *The New York Times*, December 11, 1985.

¹⁶⁵ “Habla Emilio Fermin Mignone, Titular del CELS,” *El Diario del Juicio*, January 14, 1986.

¹⁶⁶ “A los 76 años, murió Emilio F. Mignone,” *La Nación*, December 22, 1998.

¹⁶⁷ “¿Por qué las condenas no eran mayores?” *El Diario del Juicio*, December 17, 1985.

perpetrators of kidnappings, torture, and murders. The Federal Court of Appeals reported that it would forward all criminal offenses discovered during the trial to the Supreme Council (which would resume jurisdiction over subsequent cases).¹⁶⁸

The government faced a second wave of trials, whose prosecutions would descend throughout the chain of command, as a result of the language contained in point 30. The ruling risked aggravating growing tensions with the military and provincial courts. Up to this point, judges in the interior of the country had not initiated any trials within their jurisdiction.¹⁶⁹ The inactivity of these courts risked reaching the statute of limitations on thousands of crimes and acquitting their perpetrators without trials.¹⁷⁰ Thus, the Federal Chamber sought to accelerate pending cases through its verdict and call for continued investigations.

The inclusion of point 30 in the court's decision shocked Alfonsín and his administration. He felt the ruling undermined the principle of due obedience. "[Point 30] opened the door for more prosecution," said Carlos Santiago Nino, Deputy Assistant to the President and prominent legal scholar. The government had expected the trial of the juntas to bring a close to prosecutions, which had gone on for more than two years. Instead, trials would continue and affect officials of all ranks.

Point 30 frustrated the administration's goals, but the justices felt that investigations must occur before exonerating subordinates. They asserted it was "ethically inadmissible to concentrate all the responsibility on five men and leave the rest free." They rejected the idea of a predetermined number of guilty parties that would prevent future court proceedings. Despite the

¹⁶⁸ Nino, *Radical Evil on Trial*, 89.

¹⁶⁹ "Viola, Galtieri, Lambruschini, Camps, Menéndez, Riveros, Chamorro, Bussi, Montes y los juicios que vendrán," *El diario del Juicio*, January 14, 1985.

¹⁷⁰ Ibid.

court's stance, which conflicted with the public desires of the president, the judges claimed that the president never pressured them.¹⁷¹ "The judgement was something we rendered alone," said Judge Gil Lavedra, a member of the Federal Court of Appeals.¹⁷²

Judicial Procedures in Argentina

The Alfonsín administration worried that the verdict in the trial of the juntas would lead to an uncontrollable surge in prosecutions. These fears stemmed from particularities of the Argentine judicial system. In Argentina, citizens can file complaints directly with the court without the presence of an attorney or a police report on file. The individual can also provide investigatory leads and introduce evidence. Once the court receives a charge, a magistrate must investigate the claims.¹⁷³

Using these provisions for private prosecution, victims and their families could bring forward new cases. Human rights organizations such as the Permanent Assembly for Human Rights (which Alfonsín helped establish) and the Center for Legal and Social Studies assisted victims and their families in presenting charges and flooded the courts with denunciations following the return to democracy. Between February and August 1984, the number of charges filed against officers rose from thirty to two thousand.¹⁷⁴

The particularities of the Argentine judicial system presented human rights groups with a direct role in opening criminal cases. They used this feature to their advantage. Mignone recognized that the volume of denunciations would take a decade or more for the courts to

¹⁷¹ Verbitisky, *Civiles y militares: Memoria secreta de la transición*, 109.

¹⁷² Pion-Berlin, *Through Corridors of Power*, 87.

¹⁷³ Kathryn Lee Crawford, "Due Obedience and the Rights of Victims: Argentina's Transition to Democracy," *Human Rights Quarterly* 12 (1990): 39.

¹⁷⁴ Pion-Berlin, *Through Corridors of Power*, 90.

resolve. However, he claimed, “My responsibility as the head of a human rights organization was to carry things to their extreme, without measuring the political consequences of doing so.”¹⁷⁵ By flooding the courts with new cases, activists increasingly placed the president’s focus on the future of human rights trials.

The volume of cases risked overwhelming the judiciary and prompting retaliation from the armed forces. For this reason, President Alfonsín had hoped that the Federal Court of Appeals would rule in favor of the due obedience principle. Such precedent would exonerate defendants in many of the pending cases in order to decrease pressure on the judiciary and within the military. Without intervention, courts would take years to process files and begin proceedings. Thus, the accused would not receive a speedy trial, and their professional and legal status would remain unresolved during the process.¹⁷⁶

Conclusion

At the outset of Alfonsín’s presidency, he understood that his human rights agenda faced serious risks. The investigation of military officers accused of crimes could threaten the stability of civil-military relations if the entire institution felt vulnerable to human rights prosecution. Furthermore, prolonged trials could foster anxiety within the armed forces because the defendant’s future remained uncertain while proceedings continued. To mitigate these concerns, Alfonsín sought a small number of trials against the highest-ranking officers.

Alfonsín’s expectations for human rights prosecutions faced significant complications as a result of his emphasis on constitutional processes. In promoting strict compliance with the

¹⁷⁵ Ibid, 91.

¹⁷⁶ Ibid, 92.

separation of powers, the president had allowed the judiciary to act as an independent and equal branch of government. The courts enjoyed renewed independence and broader powers of review against the executive during Alfonsín's presidency. President Alfonsín's strict adherence to constitutional norms meant that he could not unilaterally control the implementation of his human rights program.

Although aware of these dangers, Alfonsín trusted the judiciary to honor the limits implicit in his human rights agenda. He had advocated for the acquittal of subordinates, who had merely followed orders, throughout his campaign and presidency. Despite the president's frequent references to due obedience as a means of closure to legal proceedings, the Federal Court of Appeals did not decide in the government's favor. Instead, the justices recognized that some subordinates would not benefit from due obedience. Only investigations and trials would determine who held criminal responsibility.

Alfonsín had expected the sentence to bring closure to human rights prosecutions. Instead, he faced the possibility of ongoing trials and increased backlash from the military. The court's decision had ignored his public statements and undermined his plans. Without legal interpretation and precedent that supported his understanding of due obedience, the president's human rights program risked failure. A surge in trials against low-ranking service members would likely antagonize the armed forces and lead to confrontations between the government and the military. This situation would eventually force Alfonsín to seek other legislative means to establish limits to human rights trials.

Chapter Four: Operation Dignity and the Demand for Amnesty Measures

Some 400,000 people took to the streets of Buenos Aires during *Semana Santa* (Holy Week) of 1987.¹⁷⁷ However, they had not congregated for traditional Easter processions and celebrations. Instead, the crowds converged on Plaza de Mayo in defense of the country's nascent democracy. Various military units had rebelled and taken the nearby base of Campo de Mayo by force. In response, the multitude had gathered to send a message to the mutineers. They erupted in chants: "Don't you dare, don't you dare, if you do, we will burn the barracks. The people united will never be defeated!"¹⁷⁸ The rebellion represented the first serious threat to democracy since its return four years earlier in December 1983.

The uprisings of *Semana Santa* drew massive public attention to civil-military relations in Argentina, but hostility and mistrust had always defined the relationship between President Alfonsín and the armed forces. From the moment he announced his candidacy, Alfonsín had made his background as a human rights' advocate central to his campaign. Thus, the main pillar of his platform was the promise to hold the armed forces accountable for illicit acts committed during their exercise of power.¹⁷⁹

As president, Alfonsín had delivered on this promise. He had ordered investigations into human rights abuses and detained the ex-leaders of the military juntas during his first week in office. By 1987, pending cases continued to mount against members of the armed forces. The military asserted that trials unfairly judged the institution for behavior conducted during a "war

¹⁷⁷ Carlos Santiago Nino, *Radical Evil on Trial*, (New Haven, CT: Yale University Press, 1996), 96.

¹⁷⁸ Liliana Garulli, *Los desafíos de la transición democrática, 1983-1989* (Buenos Aires: Editorial Universitaria de Buenos Aires, 2011), 100.

¹⁷⁹ Fernando Sabsay, *Frondizi, Illia, Alfonsín: Estudio preliminar de Federico Storani* (Buenos Aires: Ciudad Argentina, 2000), 303.

on subversion.” As the scope of investigations extended across all levels of the armed forces, the government faced increased pressure to limit prosecutions and bring a definitive end to court procedures.

The crisis of Semana Santa emerged from the tension created due to ongoing trials against military leaders and their subordinates. However, attributing the rebellion exclusively to this factor obscures the role of institutions beyond the executive and the military. Both the judiciary and the legislature had influenced the president’s human rights program during its transition from proposal to policy. This process had complicated Alfonsín’s agenda, thus playing a pivotal role in the conflict’s development and conclusion.

During the standoff, President Alfonsín had refused to use force against the rebels at Campo de Mayo. He wanted to avoid violence, and he knew that the military generals could not guarantee that their troops would follow orders to fire against their own. Even if the soldiers cooperated, the president risked more than intra-service conflict. Approximately two thousand unarmed people had gathered at the rebel garrison to protest the uprising.¹⁸⁰ The presence of civilians risked a violent confrontation with the mutineers and potential civilian deaths. Alfonsín hoped to prevent bloodshed, so he traveled to Campo de Mayo and personally negotiated a peaceful end to the rebellion.

In the immediate aftermath of the uprising of Semana Santa, the public heralded President Alfonsín as a hero of democracy. This perception quickly faded with the passage of the Law of Due Obedience, which limited ongoing human rights trials. Traditionally, scholars have

¹⁸⁰ Horacio Verbitsky, *Confessions of an Argentine Dirty Warrior: A Firsthand Account of Atrocity*, (New York: The New Press, 2005), 122.

regarded the law as a concession to military pressure.¹⁸¹ However, Alfonsín had outlined the principle of Due Obedience as early as his presidential campaign. His decision to postpone the law stemmed from political considerations rather than his position toward the military. Moving beyond a military-centered analysis, this chapter traces the rules, procedures, and institutions through which political actors must achieve their aims.

The law's delay gave the appearance of presidential weakness, but the rebellion had in fact helped Alfonsín harness bipartisan support in order to pass such a controversial policy. In framing Due Obedience as a concession to the military, previous scholarship has overlooked the role of democratic institutions. The judicial and legislative branches exercised greater autonomy, which constrained Alfonsín and complicated the execution of his policy proposals throughout his presidency. The president could not achieve his goals without the cooperation of other political actors because they acted as a genuine check on the executive's authority. Consequently, this period saw the president's power diminished, but this shift represented a greater adherence to democratic practices and the rule of law.

The limits on Alfonsín's capacity to determine policy stemmed from his own efforts to reinvigorate the constitution. Because he assumed the presidency in a period of transition, Alfonsín believed his government would set a precedent for the newly restored democracy. Thus, he exercised extreme caution and sought to model democratic practices. Alfonsín tried to avoid any appearance of interfering with autonomy of the judiciary or the legislature. This adherence to

¹⁸¹ Patrice McSherry, *Incomplete Transition: Military Power and Democracy in Argentina* (New York: St. Martin's Press, 1997), 215; See also, Kathryn Sikkink, *The Justice Cascade: How Human Rights Prosecutions are Changing World Politics* (New York: W.W. Norton & Company, 2011), 70; and, Horacio Verbitsky, "Entre olvido y memoria," in *Los juicios por crímenes de lesa humanidad en Argentina*, ed. Gabriele Andreozzi (Buenos Aires: Atuel, 2011), 35.

the separation of powers ended a history of highly presidential governments and sought to further consolidate democracy.

Hoping to break with the country's history of hyper-presidentialism, Alfonsín encouraged respect for the separation of powers and for the system of checks and balances. This belief in institutional autonomy meant a loss of presidential power. Alfonsín could propose legislation, but Congress retained the right to modify or reject a bill. If the proposal became law, the courts had the power to challenge its validity or interpret it broadly. Both governmental branches exercised independence and influenced his policies. Thus, he could not unilaterally determine a human rights program without violating his commitment to democratic processes. Each branch of the government controlled some aspect of policy development, so the trials produced unintended effects. Yet, these same political institutions, when faced with a national crisis, compromised across party lines to diminish the military threat. Considering this unprecedented level of cooperation, the Semana Santa Rebellion represented not only the first serious threat to the government but also the extent to which country had begun consolidating democracy.

Full Stop

Following the trial of the juntas, pending cases for crimes committed during the Dirty War increased from 1,700 in December 1985 to 3,000 by mid-1986.¹⁸² The rising number of accusations against lower ranking military members provoked greater hostility than the prosecution of the top leaders. "While the generals were in jail, the lieutenants didn't give a damn," noted Judge Andrés D'Alessio, who had served on the trial of the juntas, "But when they

¹⁸² Terrence Roehrig, "Executive Leadership and the Continuing Quest for Justice in Argentina," *Human Rights Quarterly* 31, no. 3 (2009): 731.

cite low-ranking officers, they all feel, ‘They’re coming for me.’”¹⁸³ Thus, judicial action against lower officers antagonized the entirety of the armed forces and further damaged civil military relations.

Discontent within the army became increasingly evident as pending accusations multiplied. In April 1986, pamphlets circulated within the army that accused the Alfonsín government of “discrediting the [military] institution through human rights campaigns,” and called upon soldiers to join an “army in resistance.”¹⁸⁴ The pamphlets outlined multiple phases of opposition designed to put pressure on the government. This campaign confirmed information gathered by foreign and domestic intelligence sources, which claimed retired and active army officers sought to undermine and eventually remove President Alfonsín.¹⁸⁵

As evidence of resistance within the armed forces circulated throughout the press, Alfonsín faced growing pressure to address the situation. He met with members of the Supreme Court, legal advisers Jaime Malamud Goti and Ricardo Entelman, Secretary of Justice Ideler Tonelli, Minister of Defense Germán López, and Minister of the Interior Antonio Tróccoli to discuss the growing number of trials and indictments.¹⁸⁶ Alfonsín hoped to expedite court

¹⁸³ Oscar Muño, *Alfonsín: Mitos y verdades del padre de la democracia* (Buenos Aires: Aguilar, Altea, Taurus, Alfaguara, 2014), 248.

¹⁸⁴ “Recent Military Trends Called ‘Delicate Problem,’” Buenos Aires *La Prensa* (June 10, 1986), Trans. Foreign Broadcast Information Service, FBIS Daily Report, Latin America, FBIS-LAM-86-116, June 17, 1986, B4.

¹⁸⁵ U.S. Central Intelligence Agency, “Claims That Two Retired Army General Officers Have a Plan to Bring Pressure on the Government of Raul Alfonsín,” March 25, 1985, *Argentina Declassification Project: The Dirty War* (Washington, D.C.: CIA Reading Room, 2019).

¹⁸⁶ During his six years in office, Alfonsín appointed four ministers of defense. Raúl Borrás held the position from December 10, 1983 to May 25, 1985 when he died from lung cancer. Following Borrás’ death, Roque Carranza served as minister of defense until February 8, 1986 when he died suddenly of a heart attack. Germán López assumed the role from February 9, 1986 until June 2, 1986. He resigned due to health issues and died in 1989. After López’s resignation, Alfonsín appointed the relatively young (then only 43 years old) Horacio Jaunarena as Minister of Defense. Jaunarena held this post until the end of Alfonsín’s presidency.

procedures even as ongoing prosecutions promoted disorder and damaged military morale.¹⁸⁷ He asked Malamud and Entelman in October 1986 to draft a proposal that would shorten the statute of limitations.¹⁸⁸ The result, known as the Full Stop Law, established a period of sixty days to present charges against the armed forces. After the passage of sixty days, any such claims would expire. Congress enacted the Full Stop Law on December 23, 1986.

Although Full Stop shortened the statute of limitations, Alfonsín and his advisers did not intend the law to serve as a concession to the military. Rather, the president sought to increase pressure on the judicial branch, which had not begun to process more than 3,000 pending cases. However, opponents of the law suspected that the president had designed Full Stop as a mechanism for limiting trials by offering a short period to present charges. This timeframe also partially overlapped with the end of the year judicial recess, and human rights activists worried this break would make it more difficult to submit accusations before the deadline.¹⁸⁹ Alfonsín and his closest advisers tried to counteract this narrative and reassure the public that they did not expect the measure to impede justice. Carlos Nino, Deputy Assistant to the President and prominent legal scholar, claimed the law would help accelerate the trials as cases had rapidly multiplied, and the courts remained inactive.¹⁹⁰

Alfonsín reinforced this argument during his State of the Union Address in 1986. “The idea is to speed up processes that, due to the delay in their processing, constitute a denial of justice, both for the victims of the events denounced and for the accused themselves,” asserted

¹⁸⁷ “Alfonsín Orders ‘Dirty War’ Trials Expedited” Buenos Aires *Televisora Color Network* (April 25, 1986), Trans. Foreign Broadcast Information Service, FBIS Daily Report, Latin America, FBIS-LAM-86-080, April 25, 1986, B3.

¹⁸⁸ Carlos Santiago Nino, *Radical Evil on Trial*, (New Haven, CT: Yale University Press, 1996), 92.

¹⁸⁹ Sabsay, *Frondizi, Illia, Alfonsín: Estudio preliminar de Federico Storani*, 452.

¹⁹⁰ Carlos Nino, “Speedy Trials for Argentina’s Military?” *New York Times*, March 2, 1982.

the president.¹⁹¹ The Argentine judiciary is notoriously slow, and the growing caseload threatened to overwhelm the courts. Emilio Mignone, President of the Center for Legal and Social Studies, estimated that the courts would take ten or more years to process existing human rights cases.¹⁹² The inaction of provincial courts threatened to prolong an already lengthy process, and the legal status of defendants would remain in limbo for years. Without his intervention, the president feared that the courts would indefinitely delay proceedings.

Alfonsín did not imagine Full Stop as a means to avoid trials but rather to fast-track legal proceedings. Federal courts within the provinces had postponed judicial action for months and even years. Between December 1983 and January 1986, courts in the interior provinces had not initiated a single trial within their jurisdictions.¹⁹³ Courts outside of Buenos Aires were often reluctant to press charges against military officers because local judges tended to be more conservative and held close family ties to military officers. The military juntas had also appointed many of the judges serving within the interior provinces.¹⁹⁴ By enacting a shorter statute of limitations, President Alfonsín believed that the subsequent public pressure and intense scrutiny would force courts throughout the country to act.

The Full Stop Law provoked an outburst of judicial action. The courts accelerated their activity, and the Federal Chambers of Córdoba, Bahía Blanca, Tucumán, Rosario, Mendoza, Comodoro Rivadavia, and La Plata suspended January's recess to process pending cases.¹⁹⁵ As a

¹⁹¹ Raúl Alfonsín, "Mensaje Presidencial del Dr. Raúl Alfonsín a la Honorable Asamblea Legislativa, 1 de mayo de 1986," in *Mensajes Presidenciales del Dr. Raúl Alfonsín a la Honorable Asamblea Legislativa, Período 1983-1987*, 214 (Buenos Aires: Imprenta del Congreso de la Nación, 1987).

¹⁹² Pion-Berlin, *Through Corridors of Power*, 91.

¹⁹³ Carlos Cabeza Miñarro, "Los juicios que vendrán," *El Diario del Juicio*, January 14, 1986.

¹⁹⁴ Pion-Berlin, *Through Corridors of Power*, 98.

¹⁹⁵ María Laura San Martino de Dromi, *Argentina contemporánea de Perón a Menem* (Buenos Aires: Fundación Centro de Estudios Políticos y Administrativos, 1134).

result of these efforts, the courts had indicted more than 300 senior military officers, apart from those already convicted or detained, by the February 23, 1987, deadline established by Full Stop.¹⁹⁶

The law had caused an outburst of work because the courts recognized that the judiciary's legitimacy would suffer if it failed to act during the short time frame given to process cases. Throughout the trial of the juntas, witnesses had drawn attention to the judicial system's failures during the Dirty War. Eduardo Rabossi, Deputy Minister of Human Rights and member of the National Commission on the Disappearance of Persons, testified that the institution had not functioned under the military dictatorship.¹⁹⁷ Further condemning the courts, Senator Antonio Berhongaray of the Radical Party claimed, "This trial not only judges the military but also the judiciary in terms of its effectiveness and the action that it took during the process."¹⁹⁸ Sharp public criticism combined with the president's stricter timeline compelled the courts to initiate proceedings and avoid further damage to its legitimacy.

Insurrection in Córdoba

In passing the Full Stop Law, Alfonsín forced the judiciary to act on cases it had allowed to sit in the docket. However, the measure's results would exceed his expectations. He and his advisors imagined the short period established by the statute of limitations would compel judges to prioritize the most abhorrent crimes. Instead, the justices exercised little oversight. Graciela Meijide, mother of a disappeared child and member of the National Commission on the Disappearance of Persons, accused the judiciary of intentionally complicating the situation by

¹⁹⁶ Ibid, 1135.

¹⁹⁷ "Testimonio del señor Eduardo Rabossi," *El Diario del Juicio*, June 18, 1985.

¹⁹⁸ "Habla Antonio Berhongaray, titular de la comisión de defensa del senado," *El Diario del Juicio*, July 2, 1985.

interpreting and applying Full Stop broadly. “The judges prosecuted up to the doorman. To damage Alfonsín,” she alleged. “They knew how it would go over in the military.”¹⁹⁹ By citing defendants indiscriminately, court proceedings reached all levels of the armed forces and provoked widespread fear and discontent.

The judiciary’s broad application of Full Stop overwhelmed court dockets but avoided deciding on the validity of another key proposition—due obedience. Since his campaign, Alfonsín had maintained this proposal, which derived from article 514 of the Argentine military code. His interpretation of this statute established three levels of responsibility that distinguished who gave orders from those who followed them. If a soldier followed orders and did not exceed them for personal benefit, then that subordinate would not face investigation or trial.²⁰⁰

The principle of due obedience stemmed from the military code, but many judges felt it was a political rather than judicial defense strategy. Thus, they refused to apply due obedience while processing cases, even if this meant adding hundreds of cases to their dockets. Minister of Defense Horacio Jaunarena felt that the judicial response rejected the responsibility of resolving the issue of ongoing trials. Instead, he claimed that the judges challenged “the politicians to put their cards on the table.”²⁰¹ If the courts overloaded their trial calendars, they expected that the ensuing chaos would compel the president to solve the question of due obedience through legislative, rather than judicial, means.

Tensions between the armed forces and the government reached a climax after charges against lower-ranking military members increased. A military rebellion began in Córdoba, some

¹⁹⁹ Muiño, *Alfonsín: Mitos y verdades del padre de la democracia*, 249.

²⁰⁰ Raúl Alfonsín, *Ahora: Mi propuesta política* (Buenos Aires: Editorial Plantea, 1983), 148.

²⁰¹ Muiño, *Alfonsín: Mitos y verdades del padre de la democracia*, 249.

400 miles northwest of the capital. The Federal Court of Córdoba had summoned Major Ernesto Barreiro for questioning about allegations that he took part in the torture of political detainees during the military dictatorship. However, Barreiro objected to civilian jurisdiction over his proceedings. On April 14, 1987, he reported to his superior that he would not appear in court and that he would not “humiliate the uniform.”²⁰²

Barreiro believed the trials represented a political attack against soldiers who had served honorably during a war on terrorism, and he rejected the prosecution of subordinates. In contrast, he did not object to the trial of the juntas. “When you lose, there’s a price,” Barreiro explained. “We had to try to move on with the lowest possible cost.”²⁰³ He justified this stance because subordinates, unlike the top brass, had “limited themselves to completing orders.”²⁰⁴ Following this reasoning, Barreiro argued that charges against lower-ranking service members persecuted those who had merely performed their duty.

When news of Major Barreiro’s stance reached the federal court, authorities declared him a rebel and ordered the federal police to detain him.²⁰⁵ He subsequently took refuge at a military base near Córdoba, where he garnered the support of some 130 officers and soldiers.²⁰⁶ Even those who did not explicitly support Barreiro’s actions refused to move against him. General Antonino Fichera, commander of the Córdoba troops, reported that officers under his command disobeyed orders to arrest Major Barreiro. They believed he was armed, and Fichera explained

²⁰² Ibid, 166.

²⁰³ Ibid, 160.

²⁰⁴ Marcelo Fabián Sain, *Los levantamientos carapintada 1987-1991/1* (Buenos Aires: Centro Editor de América Latina, 1994), 84.

²⁰⁵ Nino, *Radical Evil on Trial*, 96.

²⁰⁶ Jill Smolowe, “Argentina Democracy Is Not Negotiable: A Determined President Moves to Quell a Barrack’s Rebellion,” *Time Magazine* 129, no. 17, April 27, 1987.

that his subordinates “resist[ed] using arms against a comrade.”²⁰⁷ Barreiro’s individual act of insubordination had spread throughout the barracks in Córdoba and signaled widespread anger toward ongoing human rights trials.

Operation Dignity

The situation quickly escalated, and the rebellion reached Buenos Aires on April 16. Taking Campo de Mayo Base by force, a group of rebels known as *las carapintadas* (called the painted faces for their use of military camouflage) expressed solidarity with Barreiro’s cause. Lieutenant Colonel Aldo Rico, a decorated veteran of the Falklands War, left his post in Misiones province (600 miles north of Buenos Aires) to assume command of the mutineers at Campo de Mayo. He had distinguished himself during the war as the leader of the 602 Commando Company, the army’s elite fighting unit.²⁰⁸

Despite his leadership in the *carapintadas* rebellion, Rico had no known ties to the war against subversion and faced no charges for human rights violations. He believed that the military’s leadership had failed to protect the institution against attacks from the government. The rebellion sought to restore honor and respect toward the military, and the mutineers referred to their revolt as Operation Dignity. Rico and his supporters alleged that the human rights trials were an insult to an institution that had protected the country from terrorists. Therefore, they demanded a blanket amnesty law and an end to prosecutions.²⁰⁹

²⁰⁷ Shirley Christian, “Argentine Chief Resists Demands of Officers Rebellious Over Arrest,” *The New York Times*, April 17, 1987.

²⁰⁸ Deborah L. Norden, *Military Rebellion in Argentina: Between Coups and Consolidation* (Lincoln, NE: University of Nebraska Press, 1996), 109.

²⁰⁹ Muiño, *Alfonsín: Mitos y verdades del padre de la democracia*, 253.

Facing an organized rebellion, President Alfonsín called a special session of Congress on April 16, three days before Easter Sunday. He had convoked the legislature in defense of democracy, and approximately 400,000 Argentines gathered in the streets to show their support.²¹⁰ “The chiefs and officers of the armed forces have only one obligation before them: to obey the orders of their superiors and the supreme commander,” Alfonsín declared on national television, “There is nothing to negotiate, much less the autonomous and legitimate decisions of the judiciary.”²¹¹ Those present in Congress, as well as those demonstrating outside, received the president’s words with enthusiasm and reaffirmed their support for the democratic order.²¹²

The following morning, Lieutenant Colonel Aldo Rico, leader of the *carapintadas*, met with journalists. Surrounded by soldiers armed and dressed for battle, he responded to the president’s message. Rico claimed this rebellion was not “a confrontation between dictatorship and democracy, nor against the government of Doctor Alfonsín.”²¹³ Instead, the rebels pointed to internal problems within the armed forces. The *carapintadas* believed that the top brass had failed to protect their subordinates against prosecution, which “generated a state of mistrust, indiscipline, lack of prestige, and disgrace within the armed forces.”²¹⁴ Continued court procedures placed the army’s future in jeopardy.

The army mutineers continually stressed in public statements that their actions did not seek a military coup but rather they sought rapid and decisive actions from the government

²¹⁰ Nino, *Radical Evil on Trial*, 96.

²¹¹ Raúl Alfonsín, “Discurso ante el Congreso con motivo del levantamiento militar de Semana Santa,” (Speech, Buenos Aires, April 16, 1987), Alfonsín: La epopeya democrática, consulted July 14, 2020, <https://www.alfonsin.org/discurso-ante-el-congreso-con-motivo-del-levantamiento-militar-de-semana-santa/>.

²¹² Luis Alberto Romero, *Breve historia contemporánea de la Argentina*, (Buenos Aires: Fondo de Cultura Económica, 2001), 251.

²¹³ Sain, *Los levantamientos carapintada 1987-1991/1*, 92.

²¹⁴ “Rico Discloses ‘Communique,’” Buenos Aires *Noticias Argentinas* (April 17, 1983), Trans. Foreign Broadcast Information Service, FBIS Daily Report, Latin America, FBIS-LAM-87-075, April 20, 1987, B4.

regarding the investigation of subordinates and the ongoing human rights trials. “The army . . . has paid a high price for—we will recognize it—mistakes,” claimed Rico, “But we cannot continue to bear the guilt of the top brass. . . . We had no capacity to decide.”²¹⁵ Rico’s justification of the rebellion mirrored that of Major Barreiro and took up the banner of due obedience.

The public statements of Lieutenant Colonel Rico and Major Barreiro indicated that the middle ranks felt betrayed not only by the democratic government but also by their leaders. In fact, Rico accused the generals of forgetting “the army, the country, and the subordinates.”²¹⁶ The middle-ranking officers believed that the high command had cooperated with the antagonistic policies of the government in order to advance their own careers at the expense of their subordinates. As a result of this perceived betrayal, the *carapintadas* had broken rank. “All hopes that the present Army leadership will stop the injustices and humiliations that the Armed Forces have been subjected to have extinguished,” declared Lieutenant Colonel Rico.²¹⁷ Rico and his fellow mutineers expressed their desire for direct negotiations with the civilian government.

With the situation intensifying, Alfonsín sent Minister of Defense Jaunarena to Campo de Mayo on April 17. He instructed Jaunarena to de-escalate the situation without resorting to the use of force, but the rebels grew increasingly combative. Responding to appeals to surrender, Major Barreiro issued a warning to his commanding general. “I have grenades and my shotgun, so I’m going to die fighting,” he said.²¹⁸ The threat of violence caused further disintegration of

²¹⁵ Sain, *Los levantamientos carapintada 1987-1991/1*, 93.

²¹⁶ Muiño, *Alfonsín: Mitos y verdades del padre de la democracia*, 261.

²¹⁷ “Rico Discloses ‘Communique,’” Buenos Aires *Noticias Argentinas* (April 17, 1987), Trans. Foreign Broadcast Information Service, FBIS Daily Report, Latin America, FBIS-LAM-87-075, April 20, 1987, B4.

²¹⁸ Muiño, *Alfonsín: Mitos y verdades del padre de la democracia*, 251.

relations between the top brass and middle ranks, and the government feared the possibility of a civil war.²¹⁹

The mutineers led by Rico in Campo de Mayo adopted a similarly combative stance. The *carapintadas* stressed that their rebellion had exercised restraint thus far, but they, along with other units, stood ready to respond to any show of force. “The military escalation that will ensue and all its consequences will be the sole responsibility of the generals,” Rico warned.²²⁰ The rebels refused to back down and their aggressive attitude threatened to unleash a wave of violence to various military units throughout the country.

The government’s position continued to deteriorate over the course of the weekend. General Ernesto Alais, commander of the Second Corps, gathered troops at Campo de Mayo on Saturday, April 18. Thousands of unarmed civilians congregated outside and attempted to enter the garrison to put pressure on the commandos. Alais threatened to use cannons to remove the rebels. “As soon as you do so,” Rico responded, “I will throw a mortar into the crowd, and then you can explain that it wasn’t your misdirected cannon.”²²¹ The mutineers understood that the president wanted to avoid bloodshed, so they leveraged the threat of violence throughout the conflict. They correctly assumed the top brass was unlikely to initiate armed conflict in order to avoid escalating the situation.

The mutineers’ willingness to resort to violence limited the president’s ability to resolve the crisis quickly, but Alfonsín thought he could harness public support to overcome the rebellion. Throughout the weekend, crowds had maintained vigil in the country’s major plazas.

²¹⁹ Ibid.

²²⁰ “Rico Discloses ‘Communique,’” Buenos Aires *Noticias Argentinas* (April 17, 1987), Trans. Foreign Broadcast Information Service, FBIS Daily Report, Latin America, FBIS-LAM-87-075, April 20, 1987, B4.

²²¹ Horacio Verbitzky, *Civiles y militares: Memoria secreta de la transición* (Buenos Aires: Editorial Sudamericana, 2003), 250.

National newspapers claimed this mobilization in support of democracy was the largest in the country's history.²²² These demonstrations communicated the public's disapproval of the rebels' cause and its readiness to take action for the civilian government.

Alfonsín recognized the massive outpouring of support as a significant advantage, and he called on political and social leaders to publicly express their loyalty to the constitutional order. Actors from across the political spectrum gathered at the Casa Rosada to endorse an "Act in Defense of Democracy."²²³ Prior to the signing, the Minister of the Interior Antonio Tróccoli read the text aloud. The pact reaffirmed their commitment to democratic principles and included a promise to recognize "various levels of responsibility."²²⁴ By including this wording within the "Act in Defense of Democracy," President Alfonsín obtained public endorsement of due obedience from prominent leaders and members of the opposition.

The *carapintadas*' position remained firm despite widespread protests against the rebels and a unified civilian front. They refused to surrender without speaking to the president. After two days of negotiation, the Minister of Defense, Jaunarena, called Alfonsín on April 19, and expressed the gravity of the situation. "Everything failed," he said, "They are out of control."²²⁵ Rico believed that the president would submit to a blanket amnesty law that pardoned all but the junta leaders in order to avoid a prolonged conflict with the military. Holding out for a comprehensive amnesty, Rico refused to submit to Jaunarena's demands. Instead, he warned that he was prepared to die.²²⁶

²²² Garulli, *Los desafíos de la transición democrática, 1983-1989*, 100.

²²³ Romero, *Breve historia contemporánea de la Argentina*, 251.

²²⁴ Nino, *Radical Evil on Trial*, 96.

²²⁵ Raúl Alfonsín, *Memoria política: Transición a la democracia y derechos humanos* (Buenos Aires: Fondo de Cultura Económica de Argentina, 2004), 64.

²²⁶ Nino, *Radical Evil on Trial*, 98.

The news from Campo de Mayo convinced Alfonsín that he needed to meet with Lieutenant Colonel Rico directly. A large crowd had gathered outside the Casa Rosada on this Easter Sunday. The president, accompanied by Peronist Party leaders, took to the balcony before departing. “We are risking our future, the future of our children, we are risking bloodshed among brothers,” he warned the crowd.²²⁷ Alfonsín explained that he would travel to Campo de Mayo and personally demand the rebels’ surrender in hopes of avoiding more chaos. “Wait for me. Do not move,” he urged the multitude. “God willing, I will be back soon with an answer. Then you can go home, kiss your children and tell them that we have ensured for them a future of freedom.”²²⁸ Following this address, he said a prayer in the chapel of the Casa Rosada. He then boarded a helicopter destined for Campo de Mayo Base. As his helicopter flew over the crowd, they began to sing the national anthem.²²⁹

That evening Alfonsín returned to the Casa Rosada surrounded by the ministers of the interior and defense, Peronist party leaders, and some members of the military. Addressing the crowd in Plaza de Mayo, he reported that those involved in the insurrection would be arrested and subjected to court proceedings. “The house is in order and there is no bloodshed in Argentina,” he assured the multitude. “I ask the people in Campo de Mayo to leave. And I request all of you: Go to your homes to kiss your children; to celebrate Easter in Argentina in peace.”²³⁰ Alfonsín had succeeded in negotiating a peaceful surrender, and the public heralded him as a defender of democracy.

²²⁷ “Alfonsín Address Crowd,” Buenos Aires *Televisora Color Network* (April 19, 1987), Trans. Foreign Broadcast Information Service, FBIS Daily Report, Latin America, FBIS-LAM-87-075, April 20, 1987, B12.

²²⁸ Ibid.

²²⁹ Nino, *Radical Evil on Trial*, 98.

²³⁰ Ibid, 99.

Due Obedience

The euphoria following the president's Easter proclamation quickly dissipated. As details of his private meeting with Lieutenant Colonel Rico at Campo de Mayo became public, the government's position deteriorated. Brigadier Héctor Panzardi, a military advisor who accompanied Alfonsín to the base, explained that the president had assured Rico that the Supreme Court would define the levels of criminal responsibility.²³¹ A federal judge had already initiated criminal proceedings against participants in the uprising, and Lieutenant Colonel Rico demanded immunity for everyone but himself. Alfonsín rejected this request but guaranteed military jurisdiction for those who would now face mutiny charges for their participation in the Semana Santa rebellion.²³² This agreement did not affect trials related to crimes committed during the dictatorship. However, human rights organizations viewed the overall effects of this negotiation as a hidden amnesty for the armed forces while the military objected to the continuation of trials in progress.

The situation further deteriorated when the Executive sent a proposal for the Due Obedience Law to Congress on May 13, 1987. The measure exempted from prosecution all military persons below the level of colonel. Alfonsín acknowledged that the law would have far-reaching effects, which would allow some of those who committed serious crimes to escape prosecution. However, he held that criminal responsibility corresponded "to those who

²³¹ Ibid, 99.

²³² Kathlyn Lee Crawford, "Due Obedience and the Rights of Victims: Argentina's Transition to Democracy," *Human Rights Quarterly* 12, no. 1 (1990): 26.

conceived this aberrant inhuman plan, and ordered that it be carried out.”²³³ Due Obedience sought to define the scope of criminal, not moral, guilt.

Despite the proximity between the announcement of Due Obedience and the military uprisings, Alfonsín insisted that growing tensions with the military did not motivate the policy. Instead, he pointed toward statements made during his electoral campaign. He had maintained as early as 1983 that those following orders had acted “in a climate that instilled in them the conviction that the acts they carried out were legitimate.”²³⁴ The coercive environment in which abuses occurred meant that those who followed orders “should be considered as having acted under due obedience.”²³⁵

Alfonsín claimed the rebellion of Semana Santa had not motivated Due Obedience, but he deemed the policy necessary for democratic consolidation. The rising number of accusations facing the armed forces complicated the institution’s reintegration into democratic society. “During the crisis of Holy week, our country was close to a confrontation whose consequences still rattle us,” claimed Alfonsín in a national address, “We were on the brink of civil war.”²³⁶ The rebellion had demonstrated the fragility of the country’s democracy. The Law of Due Obedience sought to reaffirm the limits implicit in the human rights project proposed by Alfonsín as a presidential candidate.

Human rights organizations unanimously rejected the president’s justification for restricting prosecutions. In response to the Due Obedience Bill’s debate in Congress,

²³³ “President Alfonsín Speech on Due Obedience Bill,” *Buenos Aires Domestic Service* (May 14, 1987), Trans. Foreign Broadcast Information Service, FBIS Daily Report, Latin America, FBIS-LAM-87-093, May 14, 1987, B4.

²³⁴ Raúl Alfonsín, *La cuestión argentina* (Buenos Aires: Torres Agüero Editor, 1984), 148.

²³⁵ Ibid.

²³⁶ San Martino de Dromi, *Argentina contemporánea de Perón a Menem*, 1140.

approximately 8,000 people gathered to protest. March organizers accused the president of mutilating democracy “under the pretext of saving it.”²³⁷ The Grandmothers of Plaza de Mayo, a human rights organization dedicated to locating their disappeared children and grandchildren, warned the president that “negotiating with murderers” would not lead to peace.²³⁸ Those who opposed the principle of Due Obedience believed the law excused blind obedience and granted an amnesty to individuals guilty of serious crimes.

Despite harsh public reception of the proposal, Congress approved and enacted Due Obedience on June 6, 1987. The law created a nearly irrefutable defense for middle and lower rank officers and exempted from prosecution all those who did not have decision-making power within the armed forces. However, Due Obedience did not apply to those who exceeded orders or committed crimes of rape, kidnapping, concealment of children, and appropriation of property.²³⁹

President Alfonsín faced strong opposition in the Senate and the Chamber of Deputies when he proposed Due Obedience. The Radical Party only held 39 percent of Senate seats and just over 50 percent of seats in the Chamber of Deputies.²⁴⁰ Even within Alfonsín’s party, he encountered difficulty in securing votes. Radical Senator Adolfo Gass publicly struggled with his decision. During the dictatorship, Gass had gone into exile after the disappearance of his son.

²³⁷ “8,000 Protest Against Due Obedience Bill,” *Buenos Aires DYN* (May 21, 1987), Trans. Foreign Broadcast Information Service, FBIS Daily Report, Latin America, FBIS-LAM-87-093, May 22, 1987, B1.

²³⁸ Children often disappeared at the same time as their parents. The police and military task forces also kidnapped pregnant women, who gave birth while held in clandestine detention centers. In most cases, relatives did not learn the fate of the parents or children. The Grandmothers of Plaza de Mayo sought to locate their adult children as well as their grandchildren. “Senator Says Obedience Bill Could Become Amnesty,” *Buenos Aires Herald* (May 18, 1987), Trans. Foreign Broadcast Information Service, FBIS Daily Report, Latin America, FBIS-LAM-87-097, May 20, 1987, B1.

²³⁹ Nino, *Radical Evil on Trial*, 101.

²⁴⁰ Rebecca Bill Chavez, *The Rule of Law in Nascent Democracies: Judicial Politics in Argentina* (Stanford: Stanford University Press, 2004), 61.

The loss of his child at the hands of the armed forces made it difficult for Senator Gass to vote in favor of the Due Obedience Law, but he ultimately felt that “there [was] no other choice.”²⁴¹ Gass and many Peronist congressman harshly criticized the measure, but the events of Semana Santa convinced them to cooperate with the president and enable its passage into law.

Later that month, the Supreme Court upheld the constitutionality of Due Obedience. The members of the court defended the measure’s validity because Due Obedience derived from law and legal precedent in place when the incidents occurred.²⁴² Any rulings that did not respect the principle of Due Obedience would unjustly punish people through retroactive application of the law. The court also held that it did not need to determine whether the law served as an “amnesty in disguise” because Congress had the power to issue pardons.²⁴³

Alfonsín suffered grave political repercussions even though the Supreme Court upheld the law’s legitimacy. Sectors of the human rights movement accused the president of abandoning his original stance on trials. Many Argentines suspected Alfonsín of bowing to military pressure despite his claims to the contrary. He had suppressed the insurrection without exceeding the bounds of his office, but many interpreted his methods as weakness.

President Alfonsín had advocated for the application of due obedience as early as he had called for prosecution. In the early stages of human rights trials, he adopted a “wait and see” approach. He anticipated that the courts would rule in favor of due obedience and help establish legal precedent for this defense. Military uprisings simply forced him to act decisively and push

²⁴¹ Garulli, *Los desafíos de la transición democrática, 1983-1989*, 75.

²⁴² Alfonsín, *Memoria política: Transición a la democracia y derechos humanos*, 54.

²⁴³ Nino, *Radical Evil on Trial*, 101.

the proposal through Congress. The president could no longer afford to await the judiciary's decision.

Conclusion

President Alfonsín understood his government was unlikely to survive if judicial action continued indefinitely. Attempting to mitigate this risk, Alfonsín had outlined a human rights program that focused on the architects of the dictatorship's repressive plan. However, the nature of democratic governance meant that other institutions, particularly the judiciary and Congress, would influence his policies. Human rights prosecutions escaped the president's control due to the consequences of the transition from proposal to implementation.

Alfonsín's subsequent promulgation of the laws of Full Stop and Due Obedience sought to diminish the unintended outcomes of the policymaking process. Both laws reduced the scope of future trials in an effort to prevent military unrest, but they did not significantly compromise his original categories of criminal responsibility. Responding to the challenges of establishing democracy, Alfonsín had to make difficult decisions in order to ensure that the armed forces would not interrupt the civilian government as had happened in prior periods of democratic control.

The crisis of Semana Santa had challenged the president's authority, but the event's aftermath revealed a newfound commitment to democracy among Argentines. The rebellion created a heightened sense of urgency, which ultimately provided greater opportunity for the Congress to successfully pass Due Obedience. Prior to the uprising, Alfonsín lacked political consensus regarding the Law of Due Obedience. However, the *carapintadas* armed movement had produced a climate of fear and allowed the president to highlight the necessity of

conciliatory measures toward the military. In framing Due Obedience as a means to protect democratic stability, Alfonsín formed a sufficient majority within the senate and chamber of deputies to ensure its passage. Thus, Alfonsín ultimately achieved his policy aims without undermining the autonomy of the judiciary or the legislature. In a country prone to instability, this was an important step in establishing faith in democratic processes and institutions.

Chapter Five: Conclusion

Alfonsín's presidency marked the return of democracy to Argentina. Assuming office in the wake of a brutal dictatorship, he inherited a burdensome legacy. The armed forces had ushered in a period of unprecedented violence after coming to power in 1976. In the following seven years, military task forces carried out clandestine arrests and "disappeared" approximately 30,000 individuals. "Many people do not know what it means to live under the rule of the Constitution and the law," declared Alfonsín during his inaugural address, "but now we all know what it means to live outside the framework of the Constitution and the law."²⁴⁴ He promised that his administration would restore the democratic system and respect constitutional norms.

As the first president elected by the people in ten years, Alfonsín felt that his presidency had not only to establish democracy but also to ensure its survival beyond his term in office. He had pledged throughout the campaign that the 1853 Constitution would guide his administration and the restoration of democracy. Closing his speeches with the Preamble to the Constitution, Alfonsín promised the country that he would "secure the blessing of liberty for ourselves, for our posterity, and for all men that wish to dwell on Argentine soil." The recitation of the Preamble became a fixture of Alfonsín's campaign appearances, and he would call on the crowd to join him in this "secular prayer."

Alfonsín's appeals to constitutional practices helped cement his image as a true democrat. He wanted to assure voters that his presidency would bring an end to military coups, but he recognized that civilian governments also held blame for the rise of authoritarianism. Alfonsín

²⁴⁴ Raúl Alfonsín, "Mensaje Presidencial del Dr. Raúl Alfonsín a la Honorable Asamblea Legislativa, 10 de diciembre de 1983," in *Mensajes Presidenciales del Dr. Raúl Alfonsín a la Honorable Asamblea Legislativa, Período 1983-1987*, 11 (Buenos Aires: Imprenta del Congreso de la Nación, 1987).

acknowledged that democratically elected presidents had abused their power and eroded the autonomy of the judiciary and legislature. Such practices damaged democratic practices, and Alfonsín pledged that his administration would overcome this history of hyper-presidentialism through strict adherence to the separation of powers enshrined in the Constitution.

Alfonsín's constitutional principles secured an impressive electoral victory, but they limited his capacity to lead. By emphasizing the need for checks on presidential control, Alfonsín empowered the judiciary to act as a strong and independent force within the government. The courts showed a willingness to challenge President Alfonsín, and this autonomy provided uneven policy victories for the executive. In a democratic system, Alfonsín could not guarantee the success of his proposals, but he resisted using the weight of his office to enforce his political interests. Alfonsín's rejection of Argentina's hyper-presidential system sought to restore democratic norms.

President Alfonsín believed the first step in establishing and preserving democracy was restoring faith in democratic processes and institutions. He sought to rebuild such trust by pursuing an end to impunity rather than continuing a tradition of complete amnesty for abusive military dictators. The fragile state of democracy in 1983 made his ambitions difficult to achieve. The armed forces remained an influential institution within Argentina, and prolonged trials risked provoking military protest.

Hoping to preserve democratic stability, Alfonsín tried to maintain a balance between justice and impunity through the use of criminal prosecutions and a truth commission. The trial of the military generals showed the power of democratic processes to condemn illegal acts, even

when performed by former leaders. This was an important act in a country prone to military intervention and the first step in establishing greater civilian control over the armed forces.

The trial of the juntas succeeded despite military defiance, but President Alfonsín understood that his human rights program would fail if judicial action continued indefinitely. Ongoing trials implicated officers at all levels of military hierarchy and kept information about the armed forces' human rights abuses in the news. Such negative attention angered the military and motivated Alfonsín to limit the trials. However, the nature of democratic governance meant that other institutions would influence his plans. The president ultimately lost control of the extent of human rights prosecutions during the transition from policy to implementation.

The crisis of Semana Santa highlights the consequences of diminished executive autonomy. Soldiers, fearing prosecution, demanded the president protect them from lengthy judicial processes. They were no longer willing to wait for the courts to decide their fate. Facing an open rebellion, Alfonsín needed to act decisively. His subsequent promulgation of the Due Obedience Law attempted to mitigate the unintended consequences of the policymaking process. He envisioned the measure as protection against military insurrection and government instability. Responding to the challenges of establishing democracy, Alfonsín had to make difficult decisions in order to ensure that the armed forces would not interrupt democracy as had happened in prior periods of civilian rule. The resulting declaration of Due Obedience reduced the scope of future trials in an effort to prevent military intervention.

In effect, Alfonsín's human rights program pioneered the use of high-level domestic prosecutions in Latin America but pursued limited trials of lower-ranking officers. More important than the extent of legal proceedings, however, the president achieved these policy

goals without violating the separation of powers and the system of checks and balances. This commitment to constitutional norms, which previous governments rarely honored, promoted democratic values. Thus, Alfonsín's administration used legal means to overcome a history of authoritarianism.

Although President Alfonsín achieved his policy victories within the constitutional framework and with the cooperation of other governmental branches, his methods did not shield him from criticism. Human rights organizations fiercely condemned the passage of Due Obedience. The Center for Legal and Social Studies charged that the measures "insult[ed] the moral conscience of the nation."²⁴⁵ Its members believed that Alfonsín had abandoned his electoral campaign promise to hold the military accountable. "We do not want vengeance," said the Mothers of Plaza de Mayo, "but will continue to seek justice."²⁴⁶

The Mothers' pursuit of justice eventually overcame the Due Obedience Law. Twenty years after the restoration of democracy, the measure faced renewed scrutiny. Néstor Kirchner, a member of the Peronist Party, won the presidency in May 2003 on a platform that emphasized human dignity and an end to impunity. "We are all sons and daughters of the Mothers and Grandmothers of the Plaza de Mayo," he reminded Argentines in his inaugural address.²⁴⁷ To honor the Mothers and Grandmothers' cause, he immediately pushed for the annulment of Due

²⁴⁵ "Varied Reactions to Bill," *Buenos Aires Herald* (May 14, 1987), Trans. Foreign Broadcast Information Service, FBIS Daily Report, Latin America, FBIS-LAM-87-094, May 15, 1987, B2.

²⁴⁶ Ibid.

²⁴⁷ Marguerite Feitlowitz, *A Lexicon of Terror: Argentina and the Legacies of Torture* (New York: Oxford University Press, 1998), 304.

Obedience and the earlier Full Stop Law.²⁴⁸ The proposal inspired a new wave of criticism of the decisions of President Alfonsín, who had remained an active figure in Argentine politics.

Some within the Radical Party viewed the debate as an attack on Alfonsín's legacy. The former president felt compelled to comment on the circumstances that led him to decree such laws. "Argentina sensed that [the nation] was living, and indeed lived, one of the deepest crises in its history," claimed Alfonsín. "It was rumored that [Argentina] was facing the abyss; there was talk of chaos, anarchy, and there was even talk of national dissolution."²⁴⁹ During the crisis, he believed he faced a choice between democracy and large scale prosecution for human rights abuses. Alfonsín chose to protect democracy because he understood that only democracy could ensure the protection of human rights in the future.

Alfonsín maintained that political circumstances in 1987 demanded a measure like Due Obedience, but he acknowledged that times had changed. "Today, the Argentine people have elected a new president. . . . He must decide, on the constitutional level if . . . it is necessary or not to preserve these laws, and if he decides it is not, it shall mean that democracy is permanently consolidated," declared Alfonsín.²⁵⁰ He did not view the potential annulment of Full Stop and Due Obedience in 2003 as an attack on his politics or moral character. Instead, he recognized the repeal of these laws as a final step in strengthening democracy and shared that proof of this consolidation would make him "the happiest man on earth."²⁵¹

²⁴⁸ Kathryn Sikkink, *The Justice Cascade: How Human Rights Prosecutions are Changing World Politics* (New York: W.W. Norton & Company, 2011), 79.

²⁴⁹ Raúl Alfonsín, *Memoria política: Transición a la democracia y derechos humanos* (Buenos Aires: Fondo de Cultura Económica de Argentina, 2004), 246.

²⁵⁰ Ibid, 245.

²⁵¹ Ibid.

The Argentine Congress repealed Full Stop and Due Obedience Laws in August 2003, and the Supreme Court upheld this decision in June 2005.²⁵² Some view the annulment of these laws as evidence of their futility, but this criticism diminishes the threats facing the Alfonsín administration in the 1980s. Prior to his presidency, military dictatorships had followed one after another for more than half a century. Each coup marked shorter intervals of democratic stability and longer periods of military rule.²⁵³ The Full Stop and Due Obedience measures sought to end this cycle of instability and ensure a lasting democracy.

Alfonsín's politics, including these unpopular measures, helped create a society in which democracy was eventually strong enough to fully prosecute human rights violations. Alfonsín won uneven policy victories in his human rights program during his presidency. Trials exceeded his expectations, and military unrest forced him to pursue legislative means to limit future prosecutions. Despite suffering political losses, Alfonsín never abandoned his constitutional principles in order to advance his own interests. Such acts modeled democratic leadership and helped consolidate democracy.

Through this difficult and often criticized process, Alfonsín arrived at the elections of 1989 and successfully transferred power to the opposing party. Few Argentine presidents had achieved this feat, but Alfonsín received little praise for the peaceful transfer. Economic concerns had forced him to renounce the presidency three months early. By July 1989, when Alfonsín left office, monthly inflation had reached 200 percent. His last month in office

²⁵² Sikkink, *The Justice Cascade: How Human Rights Prosecutions are Changing World Politics*, 79.

²⁵³ Fernando Sabsay, *Frondizi, Illia, Alfonsín: Estudio preliminar de Federico Storani* (Buenos Aires: Ciudad Argentina, 2000), 371.

witnessed riots and looting of supermarkets.²⁵⁴ Economic crises historically had shattered public confidence in the government and prompted military intervention. However, Argentines demonstrated a renewed faith in democracy. In the midst of hyperinflation and record level unemployment, 79 percent of those polled favored democracy over other alternatives.²⁵⁵ Public discontent with the administration and its policies had not shaken their commitment to the democratic system.

Alfonsín's early exit tarnished his presidential legacy in the inauguration's immediate aftermath but ultimately sought to respect the will of the people. Peronist Carlos Menem had secured a sweeping victory against Radical Eduardo Angeloz in May 1989, and Argentines increasingly pushed for new leadership as the economy rapidly declined. Alfonsín believed that staying in office until December would "subordinate the country's fate to personal ego."²⁵⁶ Thus, he chose to sacrifice the remaining months in his term to ensure the peaceful transfer of power between opposing parties.

Although Alfonsín did not finish his term, his presidency achieved its ultimate goal—the preservation of democracy. The 1989 election occurred in the midst of chaos but marked the beginning of Argentina's longest period of democratic stability. "Men succeed or fail, but it is [their] ideas that transform themselves into torches that keep democracy alive," affirmed Alfonsín at his last public appearance in 2008.²⁵⁷ Nearing the end of Alfonsín's life, Argentines

²⁵⁴ Luis Alberto Romero, *Breve historia contemporánea de la Argentina*, (Buenos Aires: Fondo de Cultura Económica, 2001), 269. See also Jonathan C. Brown, *A Brief History of Argentina*, (New York: Facts on File, 2004), 261-264.

²⁵⁵ David Pion-Berlin, *Through Corridors of Power: Institutions and Civil-Military Relations in Argentina* (University Park, PA: Pennsylvania State University Press, 1997), 65.

²⁵⁶ Oscar Muñio, *Alfonsín: Mitos y verdades del padre de la democracia* (Buenos Aires: Aguilar, Altea, Taurus, Alfaguara, 2014), 188.

²⁵⁷ Clifford Krauss, "R. Alfonsín, 82, Dies; Led Argentina," *The New York Times*, April 2, 2009.

affectionately referred to him as the “father of democracy.” His presidency had come to symbolize not only the return of democracy to Argentina but also a lasting commitment to the democratic order. In the nearly forty years since Alfonsín won the presidency, Argentina has battled many crises, but military rule no longer serves as a viable alternative to democratic government.

Bibliography

- Ackerman, Bruce. *The Future of Liberal Revolution*. New Haven: Yale University Press, 1992.
- Alfonsín, Raúl. *Ahora: Mi propuesta política*. Buenos Aires: Editorial Plantea, 1983.
- Alfonsín, Raúl. “Cierre de campaña de Raúl Alfonsín en la 9 de Julio, 1983 (parte II).” YouTube video, 11:32. June 22, 2016. <https://youtu.be/XYhlo773mnM>.
- Alfonsín, Raúl. “Discurso ante el Congreso con motivo del levantamiento militar de Semana Santa.” Alfonsín: La epopeya democrática. April 16, 1987. <https://www.alfonsin.org/discurso-ante-el-congreso-con-motivo-del-levantamiento-militar-de-semana-santa/>.
- Alfonsín, Raúl. *La cuestión argentina*. Buenos Aires: Torres Agüero Editor, 1984.
- Alfonsín, Raúl. *Memoria política: transición a la democracia y derechos humanos*. Buenos Aires: Fondo de Cultura Económica de Argentina, 2004.
- Alfonsín, Raúl. *Mensajes Presidenciales del Dr. Raúl Alfonsín a la Honorable Asamblea Legislativa, Período 1983-1987*. Buenos Aires: Imprenta del Congreso de la Nación, 1987.
- Alfonsín, Raúl and Pablo Giussani. *¿Por qué, doctor Alfonsín?* Buenos Aires: Editorial Sudamericana, 1987.
- Barany, Zoltan. *The Soldier and the Changing State: Building Democratic Armies in Africa, Asia, Europe, and the Americas*. Princeton, NJ: Princeton University Press, 2012.
- Bill Chavez, Rebecca. *The Rule of Law in Nascent Democracies: Judicial Politics in Argentina*. Stanford: Stanford University Press, 2004.
- Brown, Jonathan C. *A Brief History of Argentina*. New York: Facts on File, 2004.
- Canelo, Paula. “La descomposición del poder militar en la Argentina: Las Fuerzas Armadas durante las presidencias de Galtieri, Bignone, y Alfonsín (1981-1987).” In *Los años de Alfonsín: ¿El poder de la democracia o la democracia del poder?*, edited by Alfredo Pucciarelli. Buenos Aires: Siglo XXI Editores Argentina, 2006.
- Ciancaglini, Sergio and Martin Granovsky. *Nada más que la verdad: El juicio a las Juntas*. Buenos Aires: Editorial Planeta, 1995.

- Crawford, Kathryn Lee. "Due Obedience and the Rights of Victims: Argentina's Transition to Democracy." *Human Rights Quarterly* 12, no. 1 (1990): 17-52.
- Crenzel, Emilio. "Argentina's National Commission on the Disappearance of Persons: Contributions to Transitional Justice." *The International Journal of Transitional Justice* 2, (2008): 173-191.
- Di Meglio, Gabriel and Gustavo Álvarez. *Voces de la democracia: Los discursos que hicieron historia, 1983-2013*. Buenos Aires: Aguilar, 2013.
- Eliashev, Pepe. *Los hombres del juicio: Por primera vez los jueces y el fiscal que condenaron a los ex comandantes cuentan la historia íntima del acontecimiento que cambió a la Argentina para siempre*. Buenos Aires: Editorial Sudamericana, 2011.
- Feitlowitz, Marguerite. *A Lexicon of Terror: Argentina and the Legacies of Torture*. New York: Oxford University Press, 1998.
- Ferrari, Germán. *1983: El año de la democracia*. Buenos Aires: Grupo Editorial Planeta, 2013.
- Field, Bonnie N. "Transition Modes and Post-Transition Inter-Party Politics: Evidence from Spain (1977-82) and Argentina (1983-89)." *Democratization* 13, no. 2 (2006): 205-226.
- Fournier, Dominique. "The Alfonsín Administration and the Promotion of Democratic Values in the Southern Cone and the Andes." *Journal of Latin American Studies* 31, no. 1 (1999): 39-74.
- Garulli, Liliana. *Los desafíos de la transición democrática, 1983-1989*. Buenos Aires: Editorial Universitaria de Buenos Aires, 2011.
- Hayner, Priscilla B. "Fifteen Truth Commissions—1974-1994: A Comparative Study." *Human Rights Quarterly*, vol. 16, no. 4 (1994): 597-665.
- Helmke, Gretchen. *Courts Under Constraints: Judges, Generals, and Presidents in Argentina*. Cambridge: Cambridge University Press, 2005.
- Huntington, Samuel. *The Third Wave: Democratization in the Late Twentieth Century*. Norman, OK: University of Oklahoma Press, 1993.
- Lopez, Ernesto. *Ni la ceniza ni la gloria: Actores, sistema político y cuestión militar en los años de Alfonsín*. Buenos Aires: Universidad Nacional de Quilmes, 1994.
- McAdam, Andrew, Claudio Katiz, and Víctor Sukup. *Raúl Alfonsín: La democracia a pesar de todo*. Buenos Aires: Corregidor, 2009.

- McSherry, Patrice. *Incomplete Transition: Military Power and Democracy in Argentina*. New York: St. Martin's Press, 1997.
- Montenegro, Néstor J., Julio Cesar Strassera, and Luis Gabriel Moreno Ocampo. *Será justicia: entrevistas*. Buenos Aires: Editorial Distal, 1986.
- Morales, María Virginia. *De la cocina a la plaza: La categoría "madre" en el discurso de las madres de Plaza de Mayo*. Villa María, Argentina: Eduvim, 2010.
- Muiño, Oscar. *Alfonsín: Mitos y verdades del padre de la democracia*. Buenos Aires: Aguilar, Altea, Taurus, Alfaguara, 2014.
- Munck, Gerardo L. *Authoritarianism and Democratization: Soldiers and Workers in Argentina, 1976-1983*. University Park, PA: The Pennsylvania State University Press, 1998.
- Murphy, Colleen. *The Conceptual Foundations of Transitional Justice*. Cambridge: Cambridge University Press, 2017.
- Nino, Carlos Santiago. *Radical Evil on Trial*. New Haven, CT: Yale University Press, 1996.
- Norden, Deborah L. *Military Rebellion in Argentina: Between Coups and Consolidation*. Lincoln, NE: University of Nebraska Press, 1996.
- Pion-Berlin, David. *Through Corridors of Power: Institutions and Civil Military Relations in Argentina*. University Park, PA: The Pennsylvania State University Press, 1997.
- Rapaport, Mario. *Historia económica, política y social de la Argentina (1880-2003)*. Buenos Aires: Emecé, 2012.
- Rock, David. *Argentina, 1516-1987: desde la colonización española hasta Raúl Alfonsín*. Buenos Aires: Alianza, 2002.
- Roehrig, Terrence. "Executive Leadership and the Continuing Quest for Justice in Argentina." *Human Rights Quarterly* 31, no. 3 (2009): 721-747.
- Romero, Luis Alberto. *Breve historia contemporánea de la Argentina*. Buenos Aires: Fondo de Cultura Económica, 2001.
- Sabsay, Fernando. *Frondizi, Illia, Alfonsín: Estudio preliminar de Federico Storani*. Buenos Aires: Ciudad Argentina, 2000.
- Sain, Marcelo Fabián. *Los levantamientos carapintada 1987-1991/1*. Buenos Aires: Centro Editor de América Latina, 1994.

San Martino de Dromi, Ma. Laura. *Argentina contemporánea de Perón a Menem*. Buenos Aires: Fundación Centro de Estudios Políticos y Administrativos, 1996.

Secretaría de Derechos Humanos de Argentina. Comisión Nacional sobre la Desaparición de Personas. *Nunca más: informe de la Comisión Nacional sobre la Desaparición de Personas*. Buenos Aires: Eudeba, 2009.

Sikkink, Kathryn and Carrie Booth Walling. "The Impact of Human Rights Trials in Latin America." *Journal of Peace Research* 44, no. 4 (2007): 427-445.

Sikkink, Kathryn. *The Justice Cascade: How Human Rights Prosecutions are Changing World Politics*. New York: W.W. Norton & Company, 2011.

Tedesco, Laura. "The Argentine Armed Forces Under President Alfonsín." *European Review of Latin American and Caribbean Studies*, no. 61 (December 1996): 21-37, <https://www.jstor.org/stable/25675711>.

Teitel, Ruti. *Globalizing Transitional Justice: Comparative Essays*. New York: Oxford University Press, 2014.

Teitel, Ruti G. *Transitional Justice*. New York: Oxford University Press, 2000.

Verbitsky, Horacio. *Confessions of an Argentine Dirty Warrior: A Firsthand Account of Atrocity*. New York: The New Press, 2005.

Verbitsky, Horacio. *Civiles y militares: Memoria secreta de la transición*. Buenos Aires: Editorial Sudamericana, 2003.

Verbitsky, Horacio. "Entre olvido y memoria." In *Los juicios por crímenes de lesa humanidad en Argentina*, edited by Gabriele Andreozzi, 33-42. Buenos Aires: Atuel, 2011.

Weschler, Lawrence. *A Miracle, A Universe: Settling Accounts with Torturers*. New York: Pantheon Books.

Wright, Thomas C. *State Terrorism in Latin America: Chile, Argentina, and International Human Rights*. United Kingdom: Rowman & Littlefield Publishers, 2007.

Archives and Databases

David M. Rubenstein Rare Book & Manuscript Library, Duke University, Durham, N.C.
Marshall T. Meyer Papers.

National Security Archive, George Washington University, Washington, D.C.

U.S. Department of State, Washington, D.C. Argentina Declassification Project.

Foreign Broadcast Information Services, Daily Reports.

Newspapers

El diario del juicio

The New York Times

El Pais

Foreign Broadcast Information Services